

LEGISLATORS' HANDBOOK



November 2002

**A GUIDE FOR MAINE
LEGISLATORS:**
Procedures, Services & Facts

LEGISLATORS' HANDBOOK



**November 2002
12th Edition**

**Prepared by the
Office of Policy and Legal Analysis
Maine State Legislature
under the auspices of the
Legislative Council**

PREFACE

The operation of state government, especially of the legislative branch, is complex, and there are few opportunities for those outside the process to become acquainted with its intricacies. This handbook describes the legislative process. It provides information about the most significant activities in which legislators are involved; the resources and services available to legislators; the standards that govern legislators' conduct; and other useful information for legislators.

This handbook is designed to be a practical reference manual to help newly elected legislators and others become familiar with the Maine legislative process. It is hoped that the information in this handbook will provide newly elected legislators an understanding of the process that will allow them to use their time in the Legislature efficiently and effectively. This, the 12th edition of the handbook, updates the previous edition and covers recent changes affecting the legislative process and legislator conduct. It does not, however, reflect any changes in process, committee structure and jurisdiction or other rules that may be adopted by the 121st Legislature after the printing of the handbook. Each of the legislative staff offices has cooperated in the writing of this handbook.

If you have suggestions or comments on the content of the handbook, please contact the Office of Policy and Legal Analysis by mail at Maine State Legislature, 13 State House Station, Augusta, ME 04333 or through the Internet (www.state.me.us/legis/opla).

TABLE OF CONTENTS

	Page
PREFACE	i
TABLE OF CONTENTS.....	ii
PART I: LEGISLATIVE PROCEDURES.....	1
A. THE LEGISLATIVE SETTING	1
1. Membership.....	1
2. Terms.....	2
3. Sessions	2
4. Legislators' Role and Responsibilities	3
5. Legislative Rules and Limits	4
B. THE LEGISLATIVE PROCESS.....	4
1. Bill Drafting and Introduction of Legislation.....	4
2. Other Legislative Instruments	12
3. The Committee Process.....	14
4. Enactment.....	22
5. Governor's Options for Bills Enacted by the Legislature	27
6. Publication of Laws	29
7. Further Action.....	30
C. THE BUDGET PROCESS.....	31
1. Formulation of the Budget	32
2. Legislative Consideration.....	33
3. General Fund and Highway Fund Revenue and Expenditure Forecasts	35
4. Performance Budgeting	35
5. General Fund Budget.....	36
6. Budget Constraints.....	38
D. LIMITS ON LEGISLATIVE ACTION	42
1. Constitutional Limitations.....	42
2. Federal Laws	46
3. Legislative Rules.....	47

E. SENATE AND HOUSE CALENDARS	50
1. Order of Business	50
2. Calendar Supplements	53
F. LEGISLATIVE OVERSIGHT	54
1. Legislative Studies	54
2. State Government Evaluation	55
3. Review of Agency Rules	56
4. Oversight of Agency Budgets	57
5. Review of Gubernatorial Appointments	57
PART II: ADMINISTRATIVE INFORMATION.....	58
A. LEGISLATIVE SALARIES AND EXPENSES AND OTHER BENEFITS.....	58
1. Legislative Salary	58
2. Session Expense Allowance	59
3. Interim Expense Allowance	59
4. Constituent Service Allowance.....	59
5. Out-of-State Travel	60
6. Health and Dental Insurance	60
7. Legislative Retirement	61
8. Leave of Absence to Serve a Legislator	62
9. Legislators' Federal Income Tax	62
B. LAWS GOVERNING LEGISLATORS' CONDUCT	63
1. Income Reporting	64
2. Conflict of Interest	64
3. Solicitation and Acceptance of Campaign Contributions	66
4. Commission on Governmental Ethics and Election Practices.....	66
C. FREEDOM OF ACCESS: CONFIDENTIALITY	67

D. AMERICANS WITH DISABILITIES ACT (ADA) ACCOMMODATIONS	68
E. LOBBYIST DISCLOSURE	69
F. SMOKING POLICY	70
G. SEXUAL HARASSMENT	70
PART III: LEGISLATIVE STAFF	
SERVICES	73
A. LEGISLATIVE COUNCIL	73
B. LEGISLATIVE COUNCIL NON PARTISAN STAFF OFFICES	74
1. Office of the Executive Director of the Legislative Council.....	75
2. Law and Legislative Reference Library .	76
3. Office of Fiscal and Program Review	77
4. Office of Policy and Legal Analysis	78
5. Office of Revisor of Statutes.....	80
6. Office of Legislative Information Services.....	81
C. SENATE AND HOUSE ADMINISTRATION.....	82
1. Secretary of the Senate	82
2. Clerk of the House.....	83
D. OTHER STAFF SERVICES.....	84
1. Leadership Office Staff	84
2. Committee Clerks.....	85
E. OTHER SOURCES FOR LEGISLATIVE INFORMATION.....	86
1. National Conference of State Legislatures	86
2. Council of State Governments.....	87
F. REFERENCE MATERIALS	88

1. Laws, Administrative Rules	88
2. Directories	90
3. Reports, Information.....	92
4. Periodicals, Publications	95
5. Other Materials of Interest.....	95
6. Internet Resources.....	97
PART IV: CONSTITUTIONAL OFFICERS ...	99
A. Attorney General.....	99
B. Secretary of State	100
C. Treasurer of State.....	100
D. State Auditor	101
PART V: GLOSSARY.....	102
PART VI: FLOOR PLANS	129

PART I

LEGISLATIVE PROCEDURES

A. THE LEGISLATIVE SETTING

A basic principle of our representative form of government is the coequal position of the three branches of government—the legislative, the executive and the judicial. Although the separation of powers among the branches is not absolute, the fundamental function of the legislative branch is to consider, debate and establish public policy, provide the means and resources for its implementation and review its administration.

1. Membership

The Constitution of Maine states that the Maine Legislature must consist of two separate houses or chambers: the Senate and the House of Representatives. The Constitution further provides that the House consist of 151 members and that the Senate consist of an odd number of members, not less than 31 nor more than 35. The Senate currently consists of 35 members. The presiding officer of the House is the Speaker of the House, who is elected by the members of the House. The presiding officer of the Senate is the President of the Senate, who is elected by the members of the Senate.

In addition to its 151 members, the House seats two tribal representatives. The Passamaquoddy Tribe and the Penobscot Nation each elect a representative to serve in the House. Under the House Rules, the Speaker may grant the Passamaquoddy Tribal Representative and the Penobscot Nation Representative the privilege of speaking on pending legislation and other rights and privileges as approved by vote of the House of Representatives. These Indian representatives may sponsor legislation relating to Indians and Indian land claims and offer floor

amendments to that same legislation. They may cosponsor any other legislation and may sponsor and cosponsor expressions of legislative sentiment. They are also entitled to sit as nonvoting members of joint standing committees during committee hearings and deliberations.

A roster of members of the Legislature may be accessed on the legislative web page: <http://janus.state.me.us/legis>.

2. Terms

Under the Constitution, the legislative term of office is two years. Maine law prohibits legislators from serving more than four consecutive terms in either the House or the Senate. The law applies to terms beginning on or after December 3, 1996.

The Legislature limits by law and rule the number of terms the presiding officers and floor leaders of both chambers may serve. Current law limits the President of the Senate, the Speaker of the House and House and Senate party floor leaders and assistant party floor leaders to no more than three consecutive legislative bienniums in that office.

3. Sessions

The Constitution of Maine establishes the legislative biennium and directs the Legislature to convene in regular session on the first Wednesday in December in the first year of the biennium and on the first Wednesday after the first Tuesday of January in the second year. The Legislature, by law and rule, has prescribed limits on the length of the legislative sessions and other necessary procedural requirements. Title 3, section 2 requires that the First Regular Session adjourn no later than the third Wednesday in June, and that the Second Regular Session adjourn no later than the third Wednesday in April. The statute authorizes limited extensions, including a one-day “Veto Day” for the Legisla-

ture to deal with any bills the Governor may have vetoed after the Legislature completed its work. The Legislature may meet in special session if called in by the Governor or if called in by the presiding officers with the consent of a majority of the members in each party. There is no statutory limit on the length of a special session.

4. Legislators' Role and Responsibilities

A legislator is expected to become well-versed in a number of complex subject areas and familiar with a vast array of issues raised by pending legislation. A legislator's duties also involve examination and analysis of the State's budget, oversight of public agencies, analysis of government programs, review of major agency rules and review of gubernatorial appointments and constituent work.

Most legislators are assigned to one or more joint standing committees, which are responsible for considering and making recommendations on bills, conducting periodic evaluations of agency performance and structure, reviewing agency rules and reviewing certain gubernatorial appointments. Generally, a committee holds a public hearing on each bill referred to it. Committee work sessions may be held at some time after the hearing. At a work session, a committee typically votes on a bill after consideration and discussion of its merits. The vote on a bill is a recommendation for final action that is reported to the full Legislature for consideration. Legislative staff offices provide legislators and committees with assistance in analyzing the bills and the potential policy, legal and fiscal implications of enactment.

Many legislators also serve on commissions and study groups that are established to examine current issues in depth. For example, the impact of a Maine-based casino, universal health care coverage, growth management, rail transportation policy and long term care financ-

ing are issues that have been or are currently being examined by study groups. Typically, such studies are conducted during the interim between regular sessions and the results are reported to the following session.

5. Legislative Rules and Limits

In order to encourage the prompt and efficient execution of legislative duties, legislators are subject to rules governing procedure and decorum. These rules are formally adopted at the convening of each new Legislature. The presiding officers of each chamber establish requirements to ensure decorum and order. At the outset of each biennium, the President and the Speaker explain the policies of their respective chambers on such matters as attire, conversations during floor debate, the use of laptop computers during sessions and the manner in which legislators address each other. State laws also govern a legislator's relationships with the public and lobbyists and a legislator's activities relating to personal financial interests.

B. THE LEGISLATIVE PROCESS

While a legislator performs a number of different tasks, the legislative function is essentially that of proposing, considering and enacting laws. Each year, legislators consider hundreds of proposals for state laws.

The process by which an idea becomes a law is complicated, involving many steps. It is designed to prevent hasty or uninformed decisions on matters that can affect the life of every Maine citizen. Although that process may seem confusing at first, rules and procedures clearly define the steps that apply to every bill.

1. Bill Drafting and Introduction of Legislation

- **Legislators' Handbook 4**

Ideas for bills come from many different sources: legislators, legislative committees, study groups, lobbyists, public interest groups, municipal officials, the Governor, state agencies and individual citizens. In some cases, the person or group requesting the legislation may have already drafted the bill. In most cases, however, the legislator turns to a legislative staff office for bill drafting assistance. All legislation, regardless of where initially drafted, is processed and prepared for introduction by nonpartisan legislative staff in accordance with standards established by the Revisor of Statutes.

During the first regular session of the Legislature, there are no formal limitations on the type or number of bills that may be submitted prior to cloture. Cloture is the deadline for submitting requests for legislation. Bills introduced in the second regular session of the Legislature are limited by the Constitution of Maine to budgetary matters, the Governor's legislation, legislation of an emergency nature approved by the Legislative Council, legislation submitted pursuant to authorized studies and legislation submitted by direct initiative petition of the electors.

The Joint Rules establish cloture deadlines for the submission of bills by state agencies and legislators during the first regular session. The Joint Rules also authorize the Legislative Council to establish deadlines and procedures for introducing bills in the second regular session.

a. *Bill sponsors.* A bill must have a legislative sponsor unless its introduction has been authorized by an act or resolve. A bill may have up to ten sponsors: one primary sponsor, one lead cosponsor from the other chamber and eight cosponsors from either chamber.

In addition to introducing their own legislation, legislators also may act as sponsors for bills proposed by other people or groups.

Usually, legislators support bills they sponsor. They may, however, introduce a bill “by request” as a service to their constituents when they do not fully support the purpose of the measure. A legislator should clearly indicate that a bill is to be identified as “by request” when filing the bill drafting request.

b. *Bill drafting and signing.* The Revisor of Statutes reviews all proposed bills prior to their introduction and either drafts them or edits initial bill drafts so they conform to proper form, style and usage. When a request for a bill is filed, it is assigned a Legislative Request (L.R.) number that is used to track the request until it is printed as a Legislative Document (L.D.).

The Revisor’s Office serves as the central registry for all bill requests and administers the cloture deadlines established by the Joint Rules or by the Legislative Council during the Second Regular Session. The Joint Rules provide that bill requests that do not contain enough information or direction to draft a bill are not considered complete and may therefore be voided.

After processing by the Revisor’s Office, a bill must be signed by the sponsor and any cosponsors unless the sponsor decides to withdraw the request. The Joint Rules require the sponsor and cosponsors to sign the bill or provide changes within deadlines established by the presiding officers. The signed bill draft is then sent up for printing to the Secretary of the Senate or the Clerk of the House, depending on whether the primary sponsor is a senator or a representative.

c. *Reference to committee.* The Secretary and the Clerk assign the bill a Senate Paper (S.P.) or House Paper (H.P.) number and Legislative Document (L.D.) number and place it on the next Calendar for consideration in the appropriate legislative body. Bills are usually identified

and referred to throughout the rest of the session by their L.D. numbers.

The Secretary and the Clerk also suggest the committee to which a bill should be referred. When they disagree on the suggested committee of reference, they refer the matter to the President and the Speaker; if the President and Speaker disagree, the Legislative Council resolves the question. The vote on reference is the first floor vote taken on a bill. In most cases, approval of the suggested committee reference is a matter of form. Occasionally, the reference is debated and the House and the Senate may vote against the suggested reference and refer the bill to a different committee. If the House and the Senate cannot agree on which committee will hear the bill, it can go no further in the process. The suggested reference appears on the next calendar. From the floor, a member may then move that bill be referred to a different committee, which requires a simple majority vote. When the Legislature is not in session or is in recess for more than 4 days, the Secretary and the Clerk, pursuant to the Joint Rules, may refer bills and order them printed. Floor action is not required. A notice of the action appears in the House and Senate Calendars. Letters of notification are sent to the chairs of the joint standing committees, and to the sponsors and cosponsors of the bill.

The suggested reference for a bill is made to the committee that seems most appropriate based on the bill's subject matter. For example, most bills that deal with utilities are reviewed by the Committee on Utilities and Energy. However, a bill making tax changes for utilities might be referred to either the Committee on Utilities and Energy or the Committee on Taxation. The Joint Rules also authorize a joint referral to more than one committee simultaneously. The committee first named is considered the lead committee. Another option is for the committees to jointly work a bill that crosses jurisdictional lines, although the bill is officially

referred to only one of them. Usually, this is an arrangement approved by the presiding officers and worked out between the committees, with the committee to which the bill was actually referred including the other committee in its deliberations.

In unusual circumstances, a bill may be engrossed without reference to a committee. That means that the bill goes directly to the floor of the appropriate body for debate and action. The Joint Rules provide for engrossing a bill without reference to a committee by a majority vote in each chamber. Engrossing without reference usually occurs when the bill is of an emergency nature or the time is not available for the committee to undertake its review of the bill.

d. Form of a bill. Every bill has certain basic components in addition to the assigned House Paper or Senate Paper number and Legislative Document number. These components include the number of the legislative session, the date of introduction, the name of the committee suggested for reference, the sponsor and any co-sponsors, the title, introduction authority, the text of the bill and the summary.

In the text, any existing statutory language proposed to be repealed is either crossed out or clearly indicated as being repealed and all new statutory language is underlined. When a bill proposes to repeal and replace an existing statute or create an entirely new statute, all of the proposed new statutory language is underlined. The Joint Rules also permit a legislator to submit a bill as a concept draft. The text of a bill drafted in concept form is simply a summary of what the sponsor intends to accomplish with the bill; it contains no statutory language and, therefore, is usually not intended to be enacted without eventual inclusion of appropriate statutory language.

Following the text of the bill is the summary, a plain-English explanation of the

content and intent of the bill, which is prepared by nonpartisan staff.

e. How to read a bill. On the following pages is a copy of a bill from the 120th Legislature with a description of its various technical components. The example provides a good overview of the major components of bills and is designed to assist new legislators in reading and understanding legislation.

**Sample bill
with a description
of its technical
components**



120th MAINE LEGISLATURE
First Regular Session-2001

When they are printed, L.D.'s are assigned numbers in sequential order from the start of the biennium

"L.D." is the abbreviation of this term

Legislative Document

No. 735

House Paper - originated in the House (S.P. - Senate Paper)

H.P. 580

House of Representatives, February 13, 2001

Title of the bill, providing a brief description

An Act to Allow October Fishing.

Legislative committee suggested by the Clerk of the House and Secretary of the Senate to hold public hearings on bills

Referred to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

MILLICENT M. MacFARLAND, Clerk

Bill's sponsor and co-sponsors

Presented by Representative DUNLAP of Old Town. Cosponsored by Senator GAGNON of Kennebec and Representatives: BRYANT of Dixfield, JACOBS of Turner, MICHAUD of Fort Kent, MITCHELL of Vassalboro, MUSE of Fryeburg, SAVAGE of Buxton, WHEELER of Eliot, SENATOR: MARTIN of Aroostook.

Enacting clause

Be it enacted by the People of the State of Maine as follows:

Amending clause and history line, showing title and section of law being changed and history of when last amended

Sec. 1. 12 MRSA 7552, sub-5-A, ¶C, as enacted by PL 1993, c. 155, 3 is amended to read:

C. Whenever the last day of open-water fishing season falls on a Saturday, the commissioner shall issue a rule extending the season one day to include the following Sunday; and

Striking through indicates language being repealed

Sec. 2. 12 MRSA 7552, sub-5-A, ¶D, as amended by PL 1999, c. 319, 1, is further amended to read:

D. The commissioner by rule may extend the open-water fishing season as long as such an extension does not pose a threat to the fishery. Rules adopted under this paragraph may include provisions that establish catch-and-release-only restrictions on landlocked salmon, trout, togue and bass;

Sections of bills affecting a Title or section of the Maine Revised Statutes (M.R.S.A.) are arranged in ascending numerical order (i.e. Section amending Title 15 follows Section amending Title 12)

Sec. 3. 12 MRSA 7552, sub-5-A, ¶E is enacted to read:

Underscoring indicates language being added

E. During the month of October, all lakes and ponds in the following counties are open to fishing: Aroostook County, Franklin County, Hancock County, Oxford County, Penobscot County, Piscataquis County, Somerset County and Washington County. Fishing in these counties during the month of October is restricted to the use of artificial lures only and all fish caught must be released.

Explanation of what bill does

SUMMARY

Legislative Reference ("L.R.") number assigned to bill requests to identify requests prior to their printing and receipt of an L.D. number

This bill allows fishing during the month of October in certain counties in the State.

2. Other Legislative Instruments

In addition to acts, there are a number of different types of House Papers and Senate papers designed for different purposes. There are expressions of legislative sentiment, memorials, House or Senate orders, joint orders, resolutions, resolves, constitutional resolutions and bond issues. They are described more fully below.

a. Special measures expressing recognition or sympathy or requesting action. The Legislature often passes measures expressing its recognition of a person or event, its sympathy or a request for action. These measures take the form of legislative sentiments, joint resolutions, House or Senate resolutions and memorials.

- *Legislative sentiments.* Legislative sentiments are joint orders that are used to congratulate or recognize a person, group or other entity for a significant achievement or civic accomplishment or to take notice of an important statewide event. The President and the Speaker, pursuant to the Joint Rules, establish policies for the types of events that can be recognized by a sentiment. Requests for legislative sentiments must be filed in the Revisor's Office, where they are drafted and sent for processing to the Clerk of the House or the Secretary of the Senate, depending on the sponsor. A sponsor may designate up to three cosponsors; additional cosponsors are permitted only with special approval of both the President and the Speaker. Legislative sentiment requests are processed year round and may be submitted to the Revisor's Office by telephone, mail, FAX, e-mail or in person.

- *Joint resolutions.* Joint resolutions are jointly issued by the Senate and the House of Representatives to express special recognition or opinion. Requests for specific joint resolutions should be filed initially with the Revisor's Office. The Revisor's Office sends requests to the President of the Senate and the Speaker of the

House. The President and the Speaker may approve or reject the request or instruct the Revisor's Office to process the request as a legislative sentiment.

- **Memorials.** Memorials are joint resolutions used to petition individuals or entities to take some action. A typical example of a memorial urges the United States Congress or the President of the United States to take specified action. Pursuant to the Joint Rules, memorials require approval of the Legislative Council before they may be introduced.

b. Other legislative instruments. There are other types of legislative instruments that are designed to deal with certain special circumstances.

- **Resolves.** Resolves have the force of law but do not amend statutes directly and are of very limited duration. Resolves are narrow in scope and are the proper instrument for one-time occurrences, such as legislative authorization for an individual to sue the State or the establishment of a temporary study commission.

- **Constitutional resolutions.** The only way to amend the Constitution of Maine is by constitutional resolution, which must be passed by the Legislature; by a two-thirds vote in both the Senate and the House and then approved by a majority of voters during a statewide election.

- **Orders: Senate, House, Joint.** Orders are used for administrative or organizational functions that are internal to the Legislature. An order may be used to express the Legislature's will that a certain action be taken, to direct a state agency to do something or to convey the Legislature's sentiments or opinion. An order may be a Senate order, a House order or a joint order (passed by both chambers). Joint orders also may be used to establish legislative studies or to authorize a joint standing committee to report out a bill.

3. The Committee Process

Virtually all bills, resolves and constitutional resolutions are reviewed, analyzed and discussed by one or more legislative committees before they are considered on their merits by the full Legislature. Bills are referred to committees by both chambers, receive a public hearing, are worked on in committee work sessions and are given a recommendation, or “report,” by the committee to the whole Legislature.

Joint Rules of the 120th Legislature authorized 17 joint standing committees, each consisting of three Senate members and ten House members. In addition to the 17 joint standing committees, the 120th Legislature established the Joint Select Committee on Joint Rules, which consists of five Senate members and five House members. The President of the Senate and the Speaker of the House appoint all committee members and committee chairs. Each committee has a Senate Chair and a House Chair.

Each committee is assigned one or more legislative analysts from the Office of Policy and Legal Analysis (OPLA) or the Office of Fiscal and Program Review (OFPR) by the respective office directors. The analyst provides nonpartisan staff services to the committee. Each committee also has a committee clerk, appointed by the presiding officers, who is responsible for maintaining official records of the committee and for providing general clerical and administrative support.

a. Committee subject matter. The following is a brief description of the jurisdiction of each joint standing committee established by the Joint Rules of the 120th Legislature. Since the number and jurisdiction of committees can change from Legislature to Legislature, these descriptions should be taken as indicative and not definitive of committees in subsequent Legislatures. Certain issues inevitably cross jurisdic-

tional lines; precise delineation of jurisdictional lines is not possible in brief descriptions.

Agriculture, Conservation and Forestry. Department of Agriculture, Food and Rural Resources; agricultural products and marketing; animal welfare; food safety, inspection and labeling; dairy industry; pesticides regulation; nutrient management; farmland preservation; Department of Conservation, including state parks, memorials and historic sites, public lands and coastal islands registry; Maine Land Use Regulation Commission (LURC); geological surveying and mapping; forest management, marketing and utilization; forest health and fire control; the Land for Maine's Future Program; and Baxter State Park.

Appropriations and Financial Affairs. General Fund appropriations and general fiscal policy; federal funds allocations; special revenue and block grant allocations; Maine Rainy Day Fund; unappropriated surplus; bond issues; collective bargaining funding; review of revenue estimates; budgeting methodologies, including performance-based budgeting; general fiscal policy; and financial evaluation of agencies of state government.

Banking and Insurance. Banking; financial institutions; credit unions; consumer credit; Uniform Consumer Credit Code; Bureau of Financial Institutions; Officer of Consumer Credit Regulation; securities; financial services; Bureau of Insurance; credit, automobile, life, property and casualty insurance; health insurance; health maintenance organizations; mandated health benefits; health care reform; State Employee Health Commission and state employee group health plan; insurance rating, regulation and practices; insurance producers; licensing; Maine Employers Mutual Insurance Company; workers' compensation insurance; and self-insurance.

Business and Economic Development. Business regulation, including automobile and fuel

sales; professional and occupational licensing; retail pricing; franchising; advertising; returnable containers; real estate practices; insulation; credit law (business related); consumer protection; Maine State Housing Authority; affordable housing; homelessness; Finance Authority of Maine (FAME); economic planning and development agencies; venture capital and trade programs; opportunity zones; import competition; product marketing; public services; technology transfers (Maine Science and Technology Foundation); tourism; and defense facility conversion.

Criminal Justice. Maine Criminal Code; Maine Juvenile Code; Maine Bail Code; criminal law and criminal procedure; sentencing; Department of Public Safety; law enforcement; Criminal Justice Academy; victims' rights; Department of Corrections; adult and juvenile corrections; intensive supervision; probation and parole; county jails; community corrections; Criminal Justice Commission; operating under the influence; operating after suspension; habitual offenders; fire safety and arson; firearms; private investigators; and security guards.

Education and Cultural Affairs. Department of Education; State Board of Education; University of Maine System; Maine Technical College System; Governor Baxter School for the Deaf, Maine Education Policy Research Institute; elementary and secondary schools; teachers and administrators; applied technology and special education; curriculum, instruction and assessment; school finance, budgets and governance; alternative education, charter schools and school choice; funding of educational services at the Juvenile Correction Facilities; and cultural affairs, including Maine State Library, Maine State Museum, Maine Public Broadcasting System and Maine Arts Commission.

Health and Human Services. Department of Human Services; Department of Behavioral and Developmental Services; Maine Health Data

Organization; public health and disease control; tobacco prevention and control; health care facilities; social and rehabilitation services; substance abuse; mental health; developmental disabilities; public assistance; nursing facilities and residential care; and elderly and aging.

Inland Fisheries and Wildlife. Department of Inland Fisheries and Wildlife; hunting; fishing; trapping; recreational and hunter safety; fisheries and wildlife research; fish hatcheries; wardens; licensing; ATVs; snowmobiles; boat safety registration; personal water craft; and white water rafting.

Judiciary. Civil procedure; civil actions, including torts and medical malpractice; property law; probate; family law; guardianship; child support; adoptions; legal services; trustees; attorneys; errors and inconsistencies in laws; judicial system; Attorney General; Uniform Commercial Code; unclaimed property; human rights; civil rights; HIV/AIDS; abortion and reproductive rights; freedom of access, confidentiality and privacy laws; protection from abuse and protection from harassment; Indian Land Claims Settlement Implementing Act; and child protection.

Labor. Wage and hour laws; working conditions, including health and safety; workforce development; unemployment compensation; workers' compensation; labor relations; collective bargaining; retirement eligibility and benefits for state and municipal employees, including teachers; judicial and legislative retirement systems; Workers' Compensation Board; and Maine State Retirement System

Legal and Veterans' Affairs. Claims against the State; liquor laws; lottery; gambling; games of chance (beano, fairs, raffles, machines); harness racing; off-track betting; election laws; campaign financing; voter registration; initiatives and referenda; governmental ethics; lobbyist registration; landlord-tenant laws; veterans'

programs; Department of Defense, Veterans and Emergency Management Services; Bureau of Alcoholic Beverages and Lottery Operations; and Maine National Guard.

Marine Resources. Department of Marine Resources; commercial marine fisheries management, licensing and enforcement; processing and sale of marine fish and shellfish; aquaculture; and anadromous fish.

Natural Resources. Air and water quality; natural resource protection; site location and development laws, shoreland zoning, subdivisions, and growth management; management and disposal of solid, hazardous, biomedical and special wastes; hydropower and dams; energy facility siting; waste-to-energy facilities; mining; and general environmental policy, including oversight of the Department of Environmental Protection.

State and Local Government. State contracts and fiscal procedures; state government organization; oversight of state officials; state employees and property; administrative procedures; boards and commissions; notaries public; capitol area planning; constitutional amendments; county and regional government; county budgets; Legislature; and municipal and local government.

Taxation. Bureau of Revenue Services; taxes; tax exemptions and credits; Maine Residents Property Tax Program; property valuation and assessment; tax increment financing; municipal revenue sharing; and unorganized territories and tree growth tax issues.

Transportation. Department of Transportation; Bureau of Motor Vehicles; motor vehicle registration and license plates; driver licenses; Maine Turnpike Authority; Highway Fund; transportation policy; aeronautics; highway and bridge

construction and maintenance; highway safety; waterways; railroads; and motor vehicles.

Utilities and Energy. Public Utilities Commission; E911; Public Advocate; energy policy; energy efficiency and conservation; electric power, including transmission, distribution and power generation; nuclear power; natural gas; telecommunications; cable television; utility restructuring; public water and sewer services; and utility district charters.

b. Bill distribution. Once the bill has been printed and the committee of reference has been established, it is distributed to members of the Legislature and to all town and city clerks who so request. Bills are available to the general public through the Legislative Document Room (Room 102, State House). The Clerk of the House provides copies of all bills through a subscription service for which a fee is charged. The Legislature provides access to bills on the Internet at <http://www.state.me.us/legis/homepage> and provides access to specific bill status information on the Senate's and House of Representative's bill status page at <http://janus.state.me.us/legis/status/search.asp>.

c. Public hearing. After a bill has been referred to committee, the committee generally holds a public hearing, usually within the State House or the State Office Building. After the committee chairs set the date and place for the public hearing, notices are placed in advance in the weekend editions of Maine's major newspapers, typically two weekends in advance of the hearing. Notice is also published in the weekly Advanced Notice of Public Hearing schedule available at the State House and on the Senate website, courtesy of the Secretary of the Senate.

When the Legislature is not in session, public meetings of legislative committees are published on the Weekly Legislative Calendar,

which is produced by the Clerk of the House and may be accessed on the web at http://janus.state.me.us/house/w/c_list.htm

The Senate or House chair presides at the public hearing. According to the joint rules of the 120th Legislature, a quorum of seven committee members is required to hold a public hearing. The hearing provides an opportunity for legislative sponsors to explain the purpose of the bill and members of the general public, state officials and lobbyists to express their views on a bill.

Customarily, the bill's sponsor testifies first, followed by any cosponsors and other proponents. In general, opponents testify next and, finally, those persons who would like to comment on the bill, but not as opponents or proponents. In most cases, testimony given at a hearing is not required to be sworn. At the conclusion of a person's testimony, committee members may ask questions, although the sponsor, if a member of the committee, and any members of the committee who testify, generally refrain from questioning. The committee's formal action on a bill comes later at what is called a work session.

Notice of public hearing schedules may be accessed on the web at <http://janus.state.me.us/legis/lto/phSched.asp>.

d. Work sessions. The purpose of a work session is to allow committee members to discuss bills thoroughly and to vote on the committee's recommendation, or report, to the Legislature. The committee works with its legislative analyst to draft amendments or review amendments proposed by others. Some bills require several work sessions.

Work sessions are open to the public and, at the invitation of the committee, department representatives, lobbyists and others may address the committee about bills being consid-

ered, suggest compromises or amendments and answer questions. The committee may also ask its legislative analyst to research and explain certain details of the bill or to provide additional information. According to the joint rules of the 120th Legislature, a senator who is a member of the committee must be present in order for the committee to vote unless the President of the Senate authorizes an exception.

Notice of work session schedules may be accessed on the web at <http://janus.state.me.us/legis/lis/wkSched.asp>.

e. Committee amendments. Amendments are suggested changes that may clarify, restrict, expand, correct or otherwise modify the bill as printed. Proposed amendments may be technical or substantive. At times, revisions are so extensive that the entire substance of the bill is changed by the amendment. On rare occasions, extensive revision of the bill may take the form of a new draft rather than that of an amendment. A new draft is then printed as a new L.D. and assigned a new number. The President of the Senate and the Speaker of the House must authorize a new draft.

f. Committee report. The committee's decisions on bills and amendments are expressed by votes on motions made during a work session; the final action is called a "committee report," which is the committee's recommended action on a bill. The report a bill receives is often the most important influence on its passage or defeat. Several types of reports on a bill are permissible under the Joint Rules.

A unanimous report means all committee members agree on a recommended action. Possible unanimous committee reports are: "ought to pass," "ought to pass as amended," "ought to pass in new draft," "ought not to pass" and "refer to another committee."

If committee members disagree on a bill, they may issue a divided report, which usually includes a "majority" and "minority" report on the bill, e.g., a majority "ought not to pass" report and a minority report of "ought to pass as amended" report. Less frequently, there are more than two reports, e.g., six members vote for Report A, "ought to pass," five members vote for Report B, "ought not to pass," and two members vote for Report C, "ought to pass as amended."

If a unanimous "ought not to pass" report is voted by a committee, the bill is placed in the legislative file, and a letter from the committee chairs conveying this report appears on the Senate and House Calendars. When that occurs, no further action may be taken by the Legislature unless a joint order recalling the bill from the file is approved by two-thirds of the members voting in both chambers. If a bill is recalled, it is reconsidered and may be committed to committee for further deliberation or other action may be taken, including amending the bill on the floor.

Unless the committee report is a unanimous "ought not to pass," a legislator may move, at the appropriate time during floor debate, that the body consider for debate, the original bill rather than the committee report. A majority vote is required for this motion to succeed. Such a motion is typically made when neither report of a divided committee report has been accepted. The members can then consider the bill as printed, regardless of the committee report.

g. Fiscal notes. Prior to reporting out a bill, the committee must indicate whether the bill will increase or decrease state revenues or expenditures as well as whether the bill constitutes a state mandate under the Constitution of Maine. The Office of Fiscal and Program Review determines whether the bill will have a fiscal impact. If it does, that office must pro-

duce a fiscal note, which describes the fiscal impact. If the bill constitutes a state mandate, this fact is also noted in the fiscal note (see discussion of state mandates under **Constitutional Limitations**). If the bill does have a fiscal impact, the committee must amend the bill to add the fiscal note. Any necessary appropriation or allocation is usually added by committee amendment.

4. Enactment

After a bill is reported out of committee, a bill must pass through at least three steps prior to enactment. An understanding of the Senate, House and Joint Rules is essential to following and influencing a bill's progress on the floors.

a. First and second readings. Once a bill is reported out by a committee, it is returned to the chamber in which it originated. If there is a new draft or committee amendment reported by the committee, it is drafted by the committee's legislative analyst, prepared by the Revisor's Office and submitted to the Secretary of the Senate or the Clerk of the House for printing and distribution. If a fiscal note is required it will be prepared by the Office of Fiscal and Program Review and included in the committee amendment. The Secretary or the Clerk places the title of the bill and the committee report on the printed Calendar. The first time the bill, as reported by the committee, is placed on the Calendar, the body votes to accept or reject the committee report or reports. If an "ought to pass" report is accepted in either chamber, the bill then receives its first reading by the Secretary or the Clerk. Because legislators have copies of the printed bills and committee amendments, a motion is usually made to dispense with a complete reading. After the first reading, the bill is assigned a time for a second reading, which is usually the next legislative day.

If the bill has received a unanimous “ought to pass” or “ought to pass as amended” committee report, the House of Representatives uses a “Consent Calendar,” which allows bills with either report to be listed and to be engrossed for passage after they have appeared there for two legislative days, provided there is no objection. However, upon the objection of any member, a bill can be removed from the Consent Calendar and debated. There is not a Consent Calendar in the Senate.

A legislator who wishes to delay a bill at any step of the process to get more information, or for other reasons, may make a motion to “table” the bill until the next legislative day or to some other time. If a majority of members in a chamber vote in favor of the motion, no other action is taken on the bill while it is “tabled.” A legislator who strongly opposes a bill may make a motion to “indefinitely postpone the bill and all its accompanying papers.” If the motion to indefinitely postpone is approved, the bill is defeated. The motion requires approval by a majority vote in both chambers to succeed.

b. Floor debate. A bill may be debated on its merits at several points in the process after it is reported out of committee. The debate may appear uncontrolled to those looking on, but frequently a debating sequence has been arranged. If there is debate, the chair of the committee to which the bill was referred usually speaks first in favor of the committee report or to explain the intent of the bill, followed by other committee members who support the bill, by the sponsor and by those who may not support the committee report.

The presiding officer decides who to recognize and keeps track of how many times a legislator has spoken on a particular issue, whether on the main motion or on a subordinate one. The rules of each chamber limit how many times a member may address the body on a particular question.

During floor debate, members communicate with each other by sending messages delivered by legislative pages, or by moving to the back of the chamber to discuss strategies.

c. Voting. At any point, a legislator or the presiding officer may call for a vote on the current motion on the bill. When debate on a motion is over, a vote on the motion is in order. The vote may be a voice vote, or a vote “under the hammer,” where approval is presumed unless an objection is raised before the presiding officer bangs the gavel.

Two other types of votes are a “division” and a “roll call vote.” For a division, only the total number of votes cast for and against the motion are recorded. For a roll call vote, the members’ names and how they voted are recorded. Any member may request a roll call, which requires the support of one-fifth of the members present. A roll call vote is signaled by the ringing of bells and members are given a few minutes to return to their seats. The Sergeant-at-Arms is ordered to secure the chamber, and in the Senate no one, except a member, is permitted to leave or enter until the vote is recorded.

In the House and Senate members vote in a division or roll call by pushing a button at their desks; the vote is displayed on two large boards on the front walls. A record of a roll call vote may be accessed on the web at <http://janus.state.me.us/legis>.

Both the House and Senate record and transcribe all the remarks that are made on the record. A complete account of all the remarks made on bills is available in the *Legislative Record*.

d. Floor amendments. Floor amendments to a bill may be offered by Senate and House members at appropriate times during floor debate.

Requests for floor amendments should be filed with the Revisor's Office with as much lead time as possible. Floor amendments must be presented to the Secretary of the Senate or the Clerk of the House, signed, printed, numbered and distributed to the members before they may be offered on the floor. If an amendment affects the fiscal impact of the bill, then it also must include a fiscal note prepared by the Office of Fiscal and Program Review.

e. Passage to be engrossed. After the debating and amending processes are completed, a vote is taken in both chambers to pass the measure to be engrossed. "Engrossing" means printing the bill and all adopted amendments together in an integrated document for enactment. Bills passed to be engrossed are prepared by the Revisor's Office and sent to the House and then the Senate for final enactment.

f. Enactment. After being engrossed, all bills must be considered for enactment or for final passage, first in the House and then in the Senate. The necessary vote for enactment is usually a simple majority, but there are important exceptions. Emergency bills and bills that constitute a state mandate under the Constitution of Maine require a vote of two-thirds of the membership of each body (24 members of the Senate and 101 members of the House of Representatives); referenda for bond issues and constitutional amendments require a two-thirds vote of those members present.

After a bill is enacted by both the Senate and House, it is presented by the Secretary of the Senate to the Governor for signature. If it fails enactment in both chambers, it goes no further in the process. If the Senate and House disagree on enactment, the bill is in nonconcurrency and additional votes may be taken. These additional votes give each chamber the opportunity to recede and concur (back up and agree) with the other chamber or to insist on or adhere to its original vote (see glossary for definitions

of *adhere*, *insist* and *recede* and *concur*). If the disagreement cannot be resolved, the bill is said to have failed enactment and died between the chambers.

The Senate and House may develop and pass different versions of the same bill. When this happens, a motion to establish or join in a “committee of conference” is in order. A committee of conference consists of three members from each chamber; who voted on the prevailing side and are appointed by the presiding officers. A report from a conference committee is usually accepted by both the Senate and House, but if it is not, or if the committee is unable to agree, the bill is defeated unless a new conference committee is appointed and successfully resolves the disagreement.

g. Appropriations Table; Highway Table; and Study Table. Bills that affect state revenues or expenditures fall into a special category. Once those bills have been enacted in the House they are assigned in the Senate to the special Appropriations Table (if they involve the General Fund), to the special Highway Table (if they involve the Highway Fund), or to the special Study Table (if they establish legislative studies). They are listed on the Senate Calendar and are held in the Senate for consideration late in the session.

At the end of the session, after the budget bills have been reported out by the Appropriations Committee, and usually after the budget bills have been enacted, the Appropriations Committee and legislative leadership, having received recommendations from committees, review bills on the special Appropriations Table to determine which bills can be enacted given available General Fund resources. The Transportation Committee follows similar deliberations for bills on the special Highway Table, considering available Highway Fund resources. Following those decisions, motions are made in the Senate, usually by the Senate chairs of the

Appropriations and Transportation Committees, to remove bills from the special tables and to enact, amend or indefinitely postpone them. If enacted in the Senate, these bills are sent to the Governor for approval, as are all other enacted bills. Any of these bills that fail to be enacted or require amendments in the Senate are returned to the House for concurrence.

All joint orders or legislation proposing legislative studies are placed on a special study table. The Legislative Council reviews proposed studies and establishes priorities for allocation of budgetary and staffing resources to those studies. Legislative studies authorized by the Legislature or Legislative Council are budgeted and study expenses are charged to a study line in the Legislative Account, unless the authorizing legislation makes an appropriation to a study.

5. Governor's Options for Bills Enacted by the Legislature

After a bill has been enacted by the Legislature, it is sent to the Governor, who has ten days (excluding Sundays) to exercise one of four options: sign the bill; veto it; allow it to become law without signature; or, available since 1995, disapprove a dollar amount by using the line-item veto, described below.

If the Governor approves a bill, the Governor shall sign it, and it ordinarily becomes law 90 days after the final adjournment of that legislative session, unless it is an emergency measure or has a specific date certain as an effective date. Emergency measures take effect upon the Governor's signing or on a date specified in the bill.

If the Governor does not approve a bill, the Governor vetoes the bill by returning it with objections to the chamber of origin. A two-thirds vote of those present and voting in each chamber is required to override a veto. The Governor's veto message must include com-

ments on particular aspects of the bill and the reasons for rejecting it, possibly raising new issues for legislators to debate. If the Legislature overrides the Governor's veto, the bill becomes law despite the Governor's objections.

If a bill is not signed and returned to the Legislature within ten days, it becomes law without the Governor's signature. This option may be chosen if the Governor does not support a bill but does not wish to veto it. If the Legislature finally adjourns before the ten-day time limit has expired, a bill on which the Governor has not acted prior to the adjournment of the session becomes law unless the Governor vetoes it within three days after the next reconvening of that Legislature. If there is not another meeting of that particular Legislature lasting more than three days, the bill does not become law.

The Governor may exercise line-item veto power as follows. Within one day of having received legislation for signature, the Governor may disapprove the dollar amount appearing in an appropriation section or allocation section, or both. The Governor must propose a decrease in the appropriation or allocation or an increase in the deappropriation or deallocation. Those portions not revised by the Governor become law; the Governor's proposed revisions become law unless the Legislature overrides the changes by approving each original appropriation or allocation by majority vote of all elected members in each chamber.

6. Publication of Laws

a. Numbering. Once a bill becomes a law, it is assigned a chapter number. Chapters are numbered consecutively within each law type, starting with Chapter 1 for the first law enacted in the first regular session, and continuing through all regular and special sessions of that legislative biennium. All laws are identified by the first year of the biennium. Thus, public laws passed by the 120th Legislature are identified as Chap-

ters of the Public Laws of 2001, even though the laws of the Second Regular Session were actually passed in 2002. Other law types, including Private and Special Laws, Resolves and Constitutional Resolutions, are numbered consecutively as well. After each session, copies of every individual measure enacted or finally passed are available from the Engrossing Division of the Revisor's Office.

b. *Laws of Maine.* After the adjournment of each regular session, all public laws, private and special laws, resolves, and constitutional resolutions passed in that year are published by the Office of the Revisor of Statutes in the *Laws of the State of Maine*. Helpful indices are included. These softbound volumes are available to the public on request and are found in the law libraries in each county. The information is also available through the Office of the Revisor of Statutes at <http://janus.state.me.us/legis/ros/meconlaw.htm>.

c. *Codification.* The *Maine Revised Statutes Annotated (the MRSA)*, the codified compilation of Maine Public Laws, is updated annually by West Publishing Company in cooperation with the Revisor of Statutes, to include changes enacted by each session of the Legislature. Private and Special Laws and Resolves are not codified in the MRSA because of their specific scope or limited duration but are available in the Laws of Maine.

7. Further Action

After a bill is enacted, its implementation may be affected by subsequent actions, including referenda, regulatory interpretations and court actions.

a. *Referenda.* If the Legislature approves a resolution proposing a constitutional amendment by the necessary two-thirds vote of the members present in both chambers, that resolu-

tion must be submitted to the people for a referendum at the next general election. Constitutional amendments do not require approval by the Governor but must be approved by a majority of the voters.

A referendum can also result from a successful direct initiative petition by the voters to either enact or repeal a law. After the Secretary of State verifies the signatures on the petitions, the measure is submitted to the Legislature, which must either enact that law as submitted, or refer the initiated measure to the people for referendum vote. The Legislature may also enact an alternative version, called a competing measure, in which case both versions are referred to the people for a referendum vote.

A third type of referendum is triggered by a successful petition to exercise the people's veto. Voters may petition for a referendum to approve or disapprove any law enacted but not yet in effect. If the law is not ratified by a majority of voters in a statewide general or special election, it does not take effect.

At times, the Legislature inserts referendum provisions in legislation for policy reasons. For instance, substantive amendments to water district charters customarily include a local referendum provision. If the referendum is not approved as provided in the legislation, then those portions of the legislation subject to referendum approval do not take effect.

Finally, the Constitution of Maine requires that referenda be held for all bond issues.

b. Agency rulemaking. Many laws authorize state agencies to adopt rules to implement laws. These rules must be adopted in accordance with the Maine Administrative Procedure Act (the MAPA). This Act requires, among other things, agencies to provide public and legislative notice of rulemaking and submit major substantive rules to the Legislature for review and approval.

Once properly adopted, rules have the effect of law.

c. Court action. Another way in which laws may be affected is by court action. As a result of cases brought to them, the Maine courts interpret laws passed by the Legislature. Court decisions may clarify the purpose of a law, its application, or the meaning of certain words in the context of the statute. The courts also may determine whether a law conforms to the provisions of the United States Constitution and the Constitution of Maine.

C. THE BUDGET PROCESS

In many ways, adoption of the state budget parallels the enactment of other legislation described above. However, because of several unique characteristics, the budget process is described in some detail here.

The state fiscal year runs from July 1st through June 30th and is usually identified by the years it covers, e.g., Fiscal Year 2002-03 runs from July 1, 2002 through June 30, 2003. A two-year budget for state government is adopted during each legislative biennium (usually during the first regular session). The biennial state budget covers two fiscal years beginning on July 1st in the first year of the legislative biennium and ending on June 30th during the first year of the following legislative biennium. That means the 121st Legislature will consider adoption of the 2004-2005 biennial budget during the first regular session covering FY 2003-04 and FY 2004-05.

Development of the biennial state budget entails two basic steps: (1) formulation of the budget request in the executive branch; and (2) legislative approval. Many different groups are involved in the formulation and approval of the state budgets, including the Governor, departments and agencies of the State, the

Legislature, public interest groups and the public.

1. Formulation of the Budget

On or before September 1st of even-numbered years, the judicial branch, the legislative branch and each executive branch department or agency prepares a budget request for the next two fiscal years. The biennial budget requests identify individual programs and divisions of each department and the estimated spending level for each for the next two fiscal years. The budget requests are submitted via the Department of Administrative and Financial Services to the Governor, who may revise them. The requests are then compiled into the state budget document by the Department of Administrative and Financial Services. This document is printed and distributed early in the first regular session to legislators and others.

The state budget document is the financial plan for state government for each year of the ensuing biennium and consists of two components. The first component contains the Governor's budget message, a general budget summary (balancing expenditures and sources of funding for the upcoming biennium and comparing those figures to figures for the last and current fiscal years for each state program) and an estimate of losses in revenue anticipated during the next biennium due to tax and income exclusions, exemptions and deductions. The second component of the state budget document contains a detailed budget estimate of expenditures and revenues, a statement of state-bonded indebtedness showing redemption requirements, authorized and unissued debt and the condition of sinking funds.

Legislation comprising the budget request is divided into two major categories. The Part I Budget, or Current Services Budget, consists of requests for money to continue existing programs as authorized by law, collective bar-

gaining agreements or other requirements. The Part II Budget consists of adjustments, reductions and requests for money for new and expanded programs.

Beginning in the 2002-2003 biennium, the budget received by the 120th Legislature from the Governor used the performance budgeting methodology. (See **Section 4, Performance Budgeting** for further discussion.)

2. Legislative Consideration

The Governor submits the budget request to the Legislature in the form of several bills. Taken together, these bills present a “unified budget” proposal for the expenditure of funds projected to be available for the operation of state government in the next fiscal biennium.

A sitting Governor, or a Governor who has just been reelected, must submit the budget request to the Legislature by the Friday following the first Monday in January of the first regular session. A Governor elected for a first term has until the Friday following the first Monday in February.

Following receipt of the budget request, the Legislature refers the budget bills to the Joint Standing Committee on Appropriations and Financial Affairs. This committee holds public hearings on each department’s or agency’s proposed budget. Under the Joint Rules, each policy committee is required to review the portions of the budget relating to its area of subject jurisdiction and to provide the Appropriations Committee with its recommendations. Each policy committee is also required to appoint a subcommittee of at least three and not more than five members to serve as a liaison to the Appropriations Committee. These subcommittees participate in the Appropriations Committee deliberations on relevant portions of the budget. After input from policy committees, the Appropriations Committee votes on amend-

ments and new drafts. The committee's report on the bills is submitted to the Legislature for approval in the same manner as other bills.

In addition to the Governor's General Fund budget bills, there are other bills having an impact on the General Fund and separate bills for the Highway Fund that also are submitted to the Legislature. Generally, these bills are referred to the Appropriations Committee for consideration. However, Highway Fund budget bills are referred to the Joint Standing Committee on Transportation for consideration and certain other agency budget bills are referred to the appropriate policy committee for consideration.

Up to 33 months intervene between the initial preparation of the biennial budget and the end of the second fiscal year of the biennium. As a result, adjustments in the form of emergency and supplemental budget bills are often necessary to account for the effects of inflation, increases or decreases in revenues collected over revenues projected, changes in need, and changes in federal funding levels. Those adjustments are accomplished during the second regular session or during a special session and generally follow the same steps as in the formulation and approval of the initial budget.

Normally, the Governor's budget bills are enacted before other bills having impact on the General Fund or Highway Fund budgets. Other bills having a General Fund or Highway Fund impact usually are set aside on the Special Appropriations Table, the Special Highway Table or the Special Study Table until the end of the session, at which time decisions are made regarding the disposition of these bills based upon available funding. (See **Paragraph B, section 4. Enactment, g. Appropriations Table; Highway Table; and Study Table** for further explanation.) Any bills not approved for passage that remain on the table are then amended to remove the provisions with fiscal impact and removed from the table or are in-

definitely postponed. Bills that are not funded remain on the table and die when the Legislature adjourns sine die.

3. General Fund and Highway Fund Revenue and Expenditure Forecasts

The State Budget Officer is required by statute to annually prepare a "four-year" revenue and expenditure forecast for the General Fund and the Highway Fund. Due by September 30th of each even-numbered year, the forecast projects revenues and expenditures for the following biennium. The forecast must assume the continuation of current laws and include reasonable and predictable estimates of growth in revenues and expenditures based on national and local trends and program operations. Required to be submitted to the Governor, the Legislative Council and the Joint Standing Committee on Appropriations and Financial Affairs, the forecast is to be presented in a way that shows revenues forecasted by income source and expenditures forecasted by major program category.

The Consensus Economic Forecasting Commission and the Revenue Forecasting Committee, both established in 1995, provide analyses, findings and recommendations concerning projected revenues.

4. Performance Budgeting

The 117th Legislature enacted legislation to begin implementation of performance budgeting in state government as contrasted to the traditional line-item budgeting approach. The legislation implementing this new approach defines performance budgeting as "the method for developing and finalizing an agency's request for appropriations and allocations derived from its strategic plan and consistent with an agency's statutory responsibilities. Performance budgeting allocates resources based on the achievement of measurable objectives, which in

turn are related to the agency's mission and goals."

The 118th and 119th Legislatures revised deadlines and the application of performance budgeting. Under current law, each agency was responsible for developing a draft strategic plan for that agency by December 1, 1998 and a final plan by December 1, 1999. During preparation of the plan, agencies were required to consult with and receive comments from appropriate committees of the Legislature.

The Governor was required to present a prototype performance budget by December 31, 1999 for legislative review. The 119th Legislature approved that prototype (see PL 1999, c. 731, Part ZZ), which was used for the submission of the 2002-2003 biennial budget to the 120th Legislature. While the Governor used this prototype, the budget bills enacted by the Legislature during the 120th Legislature did not include the performance budgeting information.

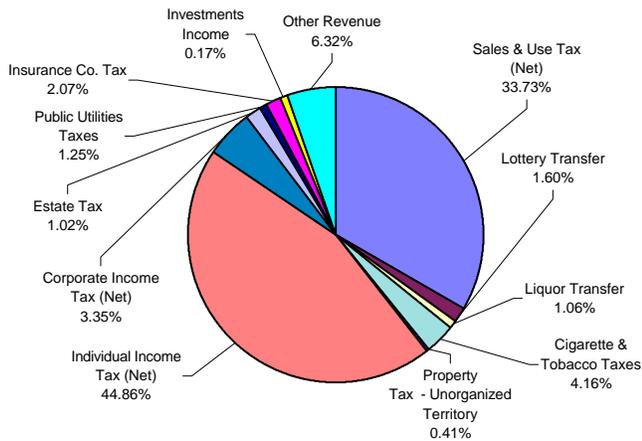
5. General Fund Budget

The following pie charts provide an overview of the breakdown of General Fund revenues and appropriations for the 2002-2003 biennium. Estimated revenues, of course, may change over time. Appropriation amounts reflect the actions of the 120th Legislature through the 2nd Regular Session.

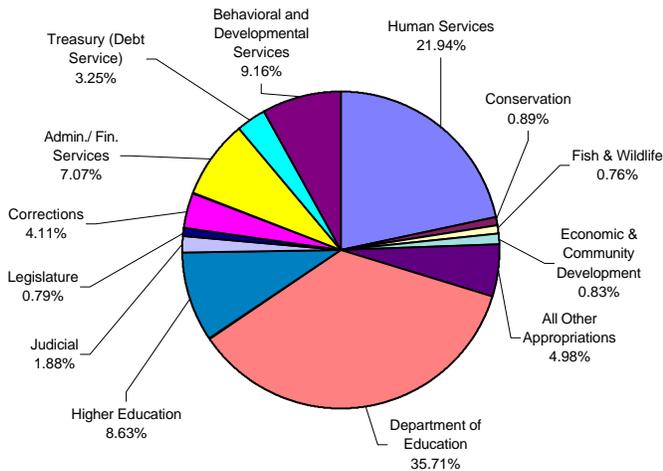
**GENERAL FUND
REVENUES AND APPROPRIATIONS
2002-2003 BIENNIUM
(All Amounts in Millions)**

TOTAL BUDGETED REVENUE FOR TWO YEARS: \$4,974.0
TOTAL APPROPRIATIONS FOR TWO YEARS: \$5,274.9

BUDGETED REVENUE



APPROPRIATIONS



General Fund Appropriations based on actions through the close of the 120th Legislature, 2nd Regular Session. General Fund Budgeted Revenue reflects revenue revisions through August 2002.

6. Budget Constraints

There are many influences and constraints that control or limit the budget process. In addition to public opinion and particular group needs, there are statutory restraints, constitutional restraints and constraints imposed by federal law.

a. Statutory constraints. There are many statutory constraints pertaining to the state budget (5 MRSA c. 145, §1581 et seq.; c. 149, §1661 et seq.), most of which govern the formulation of departmental budget requests.

One important statutory provision (5 MRSA §1664) requires the budget summary to set forth:

the aggregate figures of the budget in such a manner as to show the balanced outlines relation between the total proposed expenditures and the total anticipated revenues together with the other means of financing the budget for each fiscal year of the ensuing biennium.

Another important statutory provision (5 MRSA §1668) authorizes the Governor to temporarily and equitably curtail allotments in the current budget when it appears that authorized expenditures will exceed revenues and other sources of funds.

b. Constitutional constraints. Unlike the federal government, Maine may not incur large deficits. The State may not use debt of over \$2,000,000 to finance current appropriations (Constitution of Maine, Article IX, Section 14), unless there is an exigency that threatens state security. Thus, under normal circumstances, the State is held to a nearly balanced budget.

In addition, Article V, Part Third, Section 5 of the Constitution of Maine requires the

Legislature to appropriate sufficient funds to pay the interest and installments of principal on all bonded debt created on behalf of the State (see next heading) as these payments become due. In the event that the Legislature fails to provide the necessary funds, the State Treasurer is required to use General Fund revenues to retire bonded debt. The Constitution of Maine also prohibits the use of proceeds from the sale of bonds to fund current expenditures.

The Constitution of Maine was amended in 1992 (Article IX, Section 21) to require the State to fund at least 90% of the annual cost of new mandates imposed on local governments. The requirement may be overridden by a two-thirds vote of the elected members in each chamber.

There are a variety of other provisions in the Constitution of Maine that constrain budgetary decisions. For instance, the Constitution of Maine requires adequate funding of the Maine State Retirement System and limits the use of funds of the Retirement System (Article IX, Section 18, 18-A and 18-B), restricts the expenditure of certain highway funds (Article IX, Section 19) and requires a certain level of appropriation to the Department of Inland Fisheries and Wildlife (Article IX, Section 22).

c. Bonded debt. The need for capital improvements (e.g., highways, schools) and for assistance to persons and corporations for projects that promote the general welfare (e.g., public housing, investment seed capital) are in most instances met by the issuance of bonds.

Bonded debt is usually classified as “direct” or “indirect” debt. Direct bonded debt is incurred when bonds are issued for capital improvements, including roads, schools and public buildings. Indirect bonded debt is incurred by the default of borrowers who obtained loans through the State for purposes that were intended to promote general welfare.

There are no statutory or constitutional ceilings on total bonded indebtedness that the State may incur at any single time. There are, however, constitutional limits on the issuance of bonds for specific purposes, such as for student loans (Article VIII, Part First, Section 2), and insuring payment of mortgage loans on certain industrial and manufacturing enterprises (Article IX, Section 14-A).

For the 2002-2003 fiscal biennium, the Legislature approved a budget that includes \$171,271,618 for payment of general fund bond interest and principal retirement, and a highway budget that includes \$53,032,727 for highway bond interest and principal retirement.

d. Temporary state loans. State law (5 MRSA §150) authorizes the Treasurer of State to enter into certain temporary loan agreements in anticipation of revenues. The Treasurer, with the approval of the Governor, may negotiate temporary loans in anticipation of the issuance of bonds authorized but not yet issued. Such temporary loans must be repaid from the proceeds of the bonds within one year from the date of the loan.

The Treasurer of State, with the approval of the Governor, also may negotiate temporary loans in anticipation of taxes levied for that fiscal year. The loans may be renewed with the approval of the Governor, provided that each loan or renewal is retired no later than the close of the fiscal year in which the loan was originally made. The law was recently amended by PL 2001, c. 705 to set the annual limit at the constitutional level, that limit is the lesser of 10% of total General Fund appropriations and total Highway Fund allocations or 1% of the total valuation of the State of Maine. In Fiscal Year 2002-03, that limit was \$299,836,387 and \$250,000,000 was issued.

e. Maine Governmental Facilities Authority.

The Maine Governmental Facilities Authority is authorized to issue up to \$211,000,000 in securities to fund construction-related projects for state agency or court facilities. Of that amount, \$85,000,000 is authorized for correctional facilities; \$53,000,000 is authorized for State House, State Office Building and other agency projects; \$33,000,000 is authorized for a new psychiatric treatment facility; and \$40,000,000 is authorized for court facilities. As of June 2002, the aggregate principal amount of bonds outstanding was \$192,170,000: \$85,000,000 for correctional facilities, \$47,805,000 for state agency projects, \$32,695,000 for the psychiatric treatment facility and \$26,670,000 for court facilities.

f. Bond ratings. In addition to the restrictions discussed above, the bond investment ratings established by private bond rating firms may impose unofficial but real limitations on the ability of the State to borrow money through the issuance of bonds.

g. Federal and state constraints on use of federal funds.

Another constraint that limits executive budgetary authority is the statutory requirement (5 MRSA §1669-A) for legislative approval of the allocation of federal block grants. Consequently, the Executive cannot solely make decisions on the expenditure of federal block grant funds in the State.

The Legislature, in turn, is limited by federal law with respect to the disposition of federal block grant money. The State is currently authorized to accept 11 block grants, each of which may contain funding for several programs. The 11 block grants are for:

- Preventive Health and Health Services;
- Maternal and Child Health;
- Social Services;
- Community Development;
- Community Services;

- Juvenile Accountability Incentive;
- Temporary Assistance for Needy Families;
- Child Care and Development;
- Community Mental Health Services;

- Substance Abuse Prevention and Treatment; and
- State Children’s Health Insurance program.

The Legislature may revise the allocations of federal funds for the programs within each block grant, but the total allocation of each block grant cannot be revised. The Legislature is authorized to curtail spending for nonmandated programs and allocate the money to mandated programs, but the original federal allocations to mandated programs cannot be reduced.

D. LIMITS ON LEGISLATIVE ACTION

There are a variety of constitutional, statutory and other limits on the Legislature’s power. The following discussion provides a very brief overview of some of the various types of limitations. Legislative attorneys in the Office of Policy and Legal Analysis can provide specific analysis of limitations that may affect particular legislative proposals.

1. Constitutional Limitations

The Legislature must operate within the limits of the United States Constitution and the Constitution of Maine. There are many limits on legislative power, and, in many instances, there are significant amounts of case law that define those constitutional limitations. Consequently, a comprehensive discussion in this handbook is not possible. What follows is a brief overview of a few of some of the more commonly encountered constitutional limitations; there are other constitutional limitations that are not discussed here. When constitutional issues arise, a detailed legal review and analysis may be required.

a. Equal protection. The United States Constitution, Amendment XIV, Section 1 (“Equal Pro-

tection Clause”) forbids the State to deny to any person the equal protection of the laws (see also Constitution of Maine, Article I, Section 6-A). Courts have developed a series of judicial tests that are applied when laws are challenged under this section. It is a very complex area of constitutional law. In general, however, it may be said that laws that treat persons differently based on race or national origin or the exercise of fundamental constitutional rights are presumed to violate the Equal Protection Clause and will be found unconstitutional unless the State has a legitimate and very compelling justification for exceptions. Laws that treat persons differently based on gender, alienage or illegitimacy, while not presumed to be unconstitutional, must serve important and legitimate governmental objectives in order to withstand constitutional scrutiny. Laws that treat persons differently based on other characteristics or in the exercise of nonfundamental rights are generally presumed to be constitutional, unless there is no rational basis for the differing treatment.

b. Interstate commerce. The United States Constitution, Article I, Section 8, clause 3 (“Commerce Clause”) grants to Congress the exclusive power to regulate interstate commerce. This provision has a number of important ramifications. One of the more important results is that it severely limits state action that burdens interstate commerce. Congress can, and sometimes does, specifically permit state regulation of interstate commerce. Without congressional permission, state regulation that burdens interstate commerce is generally impermissible. There are a number of types of regulation that can burden interstate commerce, e.g., restrictions on access by out-of-state suppliers to local markets; restrictions on access by out-of-state buyers to local commodities and resources; restrictions on interstate transportation; restrictions on personal mobility across state lines; and state taxation of interstate commerce. It is important to note that state regulation in these and other areas affecting interstate commerce is not

necessarily unconstitutional; detailed analysis is often required to determine whether the regulation actually violates the Commerce Clause.

c. *Due process.* The Fourteenth Amendment to the United States Constitution prohibits the State from depriving any person of life, liberty or property without due process of law (see also the Constitution of Maine, Article I, Section 6-A). There are a variety of limitations that this clause imposes on state activities. Some important limitations to the Legislature fall under the branch of due process constitutional law called “substantive due process.” In general, substantive due process requires the State to have a legitimate and very compelling need for enacting any law that affects people’s exercise of certain fundamental rights, such as the right to freely associate, the right to vote, the right to interstate travel and the right to privacy. This is a highly complex area of constitutional law; a detailed legal analysis may be required to determine whether a law would actually violate the Due Process Clause.

d. *Free speech.* The First Amendment to the United States Constitution (interpreted to apply to state actions through the Fourteenth Amendment) forbids laws that abridge the freedom of speech or of the press (see also the Constitution of Maine, Article I, Section 4). While the prohibition appears on its face to be absolute, there are certain types of speech that may be regulated and, in some limited cases, prohibited. For instance, speech that is protected (most speech) may be restricted to some extent with regard to the time, place and manner in which the speech occurs. Additionally, courts have held that defamatory statements, statements creating a clear and present danger, fighting words and obscenity are not protected under the First Amendment. Of course, determining what actually falls within these categories of “unprotected” speech is not a simple matter. This is a highly complex area of constitutional law; a detailed legal analysis may be required to determine

whether a law actually violates the First Amendment.

e. Delegation of legislative authority. The constitutional prohibition on the delegation of legislative authority is not found in a single constitutional provision. Relevant provisions of the Constitution of Maine include Article III, Sections 1-2; Article IV, Part Third, Section 1; and Article IX, Section 9. The basic principle is that the Legislature may not delegate to other entities powers assigned to it under the Constitution of Maine. Situations in which the issue may arise include the following: granting to an executive agency unbounded discretion in adopting rules to implement broad legislative policies; making the effectiveness of legislation dependent upon some event that has no independent significance; delegating to a subunit of the Legislature the functions of the full Legislature; surrendering the power to tax. The doctrine of delegation of legislative authority is complex; a detailed legal analysis may be required to determine whether a law violates the prohibition on delegation of legislative authority.

f. Binding future Legislatures. It is a commonly accepted principle of law that one Legislature may not, by enactment of a law, restrict the actions of a future Legislature. Such restrictions, if they are to be binding, must be found in the Constitution of Maine, the Constitution of the United States or federal law. That does not mean an attempt to bind may not be enacted; only that it lacks a legal mechanism for enforcement. Enactment of a statute purporting to require a future Legislature to take a specific action is no more than an advisory expression of legislative intent. A future Legislature is free to notwithstanding, repeal or, in some cases, ignore the law.

g. State mandates. The Constitution of Maine, Article IX, Section 21 prohibits the State from requiring any local unit of government to expand or modify the unit's activities so as to ne-

cessitate additional expenditures from local revenues unless the State annually provides 90% of the funding. This provision was approved in 1992. It authorizes the Legislature to override the provision with a two-thirds vote of all members elected to each chamber.

h. Property tax exemptions. The Constitution of Maine, Article IV, Part Third, Section 23 provides that the Legislature must annually reimburse each municipality for not less than 50% of the property tax revenue loss suffered by the municipality as a result of statutory property tax exemptions or credits enacted after April 1, 1978.

i. Equal taxation. The Constitution of Maine, Article IX, Section 8 prohibits the establishment of different rates of assessment for real and personal property within the same property classes.

j. Opinion of the justices. The Constitution of Maine, Article VI, Section 3 provides that the Justices of the Maine Supreme Judicial Court must give their opinion on "important questions of law, and upon solemn occasions" to the Senate, the House or the Governor. Typically, such opinions interpret provisions of the Constitution of Maine as they apply to pending legislation or other proposed legislative action. Though opinions of the justices are only opinions, have no legal force or effect and are not binding on the requesting body or on the court in future cases, they are commonly relied upon by the Legislature in assessing the appropriate course of action.

2. Federal Laws

Congressional acts limit the actions of state legislatures in two ways. Under the "Supremacy Clause" of the United States Constitution (Article VI, Section 2), the State may not pass a law that contradicts or interferes with the operation of legislation passed by Congress. In case of a conflict, the federal law is said to pre-

empt state law. Also, Congress may place limits on how the State administers federally funded programs. The spending power is perhaps the most frequent and powerful source of federal limitations on state action.

Examples:

- (Supremacy Clause) Congress has established a comprehensive regulatory framework governing the safety of nuclear power plants. As a consequence, the State is preempted from establishing safety regulations for nuclear power plants.
- (Spending Power) Congress provides funds for the national unemployment insurance program. If, for example, the State made certain employees of nonprofit organizations ineligible for coverage, Maine could be found to be “out of conformity” with federal program requirements. If it were, the State could lose substantial federal funds, and Maine employers could lose an important tax credit.

3. Legislative Rules

Legislative rules govern the legislative process, establish certain duties of certain legislative officers, establish and govern the conduct of legislative subunits, such as the joint standing committees, and otherwise provide for the orderly undertaking of the Legislature’s business. There are four sets of rules with which each legislator should be familiar: Senate or House Rules, Joint Rules, *Mason’s Manual of Legislative Procedure* and committee rules. Each Legislature adopts its own versions of these rules (other than Mason’s rules) at the beginning of the legislative biennium. Since the current Legislature had not finalized its rules when this handbook was prepared, some references to rules and rule numbers may change. Legislators should seek the advice and guidance of presiding officers, the Secretary of the Senate, the Clerk of the House, party leaders and committee chairs on issues relating to the rules. Copies of

- **Legislators' Handbook 52**

rules can be obtained from the Offices of the Secretary of the Senate and the Clerk of the House.

a. Senate and House Rules. The Senate and House Rules establish procedures, offices and restrictions in each body. Senate and House Rules take precedence over the Joint Rules in governing the procedures of the respective bodies. A sampling of Senate and House Rules follows:

- The Senate and House Rules prohibit the introduction of amendments that are not related to the original bill (Senate Rule 504, House Rule 506).
- Senate Rule 301 establishes certain duties of the Secretary of the Senate. House Rule 301 establishes certain duties of the Clerk of the House.
- House Rule 201 describes certain duties and powers of the Speaker of the House. The authority of the President of the Senate is established in Senate Rule 201.
- The precedence of motions during debate is set forth in Senate Rules 502 and 506 and House Rules 503 and 511.

b. Joint Rules. The Joint Rules establish procedures and restrictions governing the transactions of business by both chambers. For example, the Joint Rules:

- establish cloture deadlines by which legislators and others must submit bill requests (Joint Rules 202, 203 and 204);

- establish the joint standing committees, establish committee membership among senators and representatives, outline procedures for the hiring of committee clerks, and impose requirements for public hearings (Joint Rules 301 through 305);
- establish committee reporting requirements and define the types of reports that may be issued by committees (Joint Rules 309 and 310);
- outline the procedures for confirmation of gubernatorial appointments (Joint Rules 501 through 508);
- prohibit the reintroduction of measures in any biennium in which they have already been rejected, except on approval of two-thirds of both chambers (Joint Rule 217); and
- require that all expressions of legislative sentiment conform to guidelines issued by the President of the Senate and the Speaker of the House (Joint Rule 213).

c. Mason's Manual of Legislative Procedure.

Mason's is a standard text of parliamentary rules and is published by the National Conference of State Legislatures under the auspices of the American Society of Legislative Clerks and Secretaries. The rules address all aspects of legislative procedure. These rules come into play only if the body's own rules or the Joint Rules do not cover the issue raised.

d. Committee rules. The Joint Rules require that, at the beginning of each legislative biennium, committees adopt procedures to govern

public hearings, work sessions and confirmation hearings. Committee rules may not conflict with Senate or House Rules or the Joint Rules. Questions regarding committee procedures should be discussed with committee chairs.

E. SENATE AND HOUSE CALENDARS

A matter may not be taken up in either chamber unless it appears on that body's calendar or a supplement to that calendar. For the legislator, the Senate and House Calendars are strategic documents. They provide an agenda of each chamber's business, a list of newly introduced bills, a record of the committee reports received that day, a list of measures that have been tabled and a host of other facts the legislator needs to know.

The Senate Calendar is prepared by the Secretary of the Senate. Its order and content are governed by the Senate Rules, particularly Senate Rule 512. To consider an item out of the established order, it is necessary to suspend the rules, which requires a two-thirds vote of the members present. The Senate Calendar may be accessed at <http://janus.state.me.us/senate/Documents/calendar/htframe.htm>.

Similarly, the Clerk of the House publishes the House Calendar. Order and content are determined by the House Rules, particularly House Rule 501. An item may be taken out of order only by unanimous consent of the House. The House Calendar may be accessed at <http://janus.state.me.us/house/hcalfr.htm>.

The following discussion summarizes the features of the calendars. In most respects, the Senate and House proceed in the same manner; differences are indicated where they exist.

1. Order of Business

Matters are taken up according to Rule 512 in the Senate and Rule 501 in the House. The major matters are as follows.

a. Papers from the other body. The first order of business in each chamber is to address mat-

ters that have been forwarded from the other chamber. For example, papers that have been referred to committees by the House, or engrossed without reference to a committee by the House, will appear here on the Senate Calendar.

Within this category, there is a further set of priorities. Nonconcurrent matters, i.e., where the two bodies have taken conflicting actions, are the first to be considered. On questions of concurrence, Senate Rule 502 and House Rule 503 set out the priority in which motions may be considered:

- 1st. To recede.
- 2nd. To concur.
- 3rd. To insist.
- 4th. To adhere.

b. Messages and documents. Also referred to as “Communications,” these are letters and announcements from the Governor or others. They include gubernatorial nominations and veto messages.

c. Reference of bills and other matters to committees. Generally, the first appearance of a bill or other measure on the calendar is under this category with a suggested committee of reference.

Once an item in this category has been acted upon (e.g., a Senate Paper referred in the Senate to Committee X), it goes to the other body and appears on its calendar under the first order of business.

d. Orders. The fourth order of business is orders originating in that body. In the Senate, it includes Senate Orders and Joint Orders and in the House this includes House Orders and Joint Orders.

e. Expressions of legislative sentiment (House only). The Special Sentiment Calendar exists only in the House; similar expressions in the

Senate are made by order. These are generally congratulatory messages for outstanding achievements or expressions of condolence. Unless there is objection, they are considered passed or adopted.

f. Committee reports. The fifth item of business in the Senate and the sixth in the House is the receipt of reports of committees. This is the first step a bill takes after a committee has issued its report. The committee report appears first in the originating chamber, i.e., the chamber of the primary sponsor. After that body has taken action on it, the bill and its accompanying report are sent to the other body for action.

When a committee report first appears in the body, the body may vote to accept the committee's report (or one of the reports, if it's divided), to substitute the bill for the report, to table the matter or to indefinitely postpone the matter (which defeats the bill). If an affirmative committee report is accepted, the bill receives its first reading and is assigned for second reading usually the next legislative day.

Unanimous committee reports to defeat a measure ("ought not to pass") are summarily disposed of and sent to the legislative files. Notice of "ought not to pass" reports is made to the Senate and House through a communication from a legislative committee. No further action is permitted unless the measure is recalled for reconsideration by a vote of two-thirds of both chambers.

g. Consent Calendar (House only). In the House, but not the Senate, matters that received unanimous favorable committee reports appear in the House Calendar under the category of Consent Calendar. If there is no objection, after its second day on the Consent Calendar, the measure is considered passed to be engrossed, without the House having formally accepted the report or having given the bill its first or second reading (House Rule 519).

If a representative objects to any bill on the Consent Calendar, the first order of business with respect to that bill is acceptance or rejection of the committee report. Regardless of the outcome, the bill is no longer treated as a Consent Calendar bill.

h. Bills in second reading. This is a crucial step in the process for bills that have survived this far. It is the time when amendments to the bill may be offered on the floor. Amendments to committee amendments are offered at the time of adopting the committee amendment. After a bill receives its second reading and is approved, it is passed to be engrossed and sent to the other body.

As previously indicated, bills on the House Consent Calendar do not go through this stage unless there is objection to their placement on the Consent Calendar.

i. Enactors. After a bill has had its first and second readings and has been passed to be engrossed in identical form in both chambers, it goes first to the House and then to the Senate for enactment or final passage. This is the final step before a bill is sent to the Governor for approval. Further changes to the bill at this point require backing it up through its previous stages by a series of reconsideration votes.

It is at this stage before a vote on enactment is taken that appropriations bills are sent to one of the special Appropriations Tables in the Senate.

j. Orders of the day. This category includes all other papers, e.g., tabled items. Any document that is tabled may be assigned a day for its consideration, or “tabled unassigned.” Unfinished business in which a chamber was engaged at the time of the last adjournment takes precedence in the orders of the day.

2. Calendar Supplements

Very often, supplements to the calendars are distributed in each chamber. This occurs most commonly early in the session to refer bills to committees and late in the session to consider matters in both the Senate and House in a timely manner.

F. LEGISLATIVE OVERSIGHT

The Legislature, through its joint standing committees, joint select committees, and special study commissions, carries out formal and informal inquiries, investigations, reviews and studies on a variety of subjects. Some of the work, especially review of agency budgets and rules, is undertaken during the session, but studies and lengthier investigations usually take place during the interim between the sessions.

1. Legislative Studies

Some studies are designed specifically to review executive branch implementation of legislatively created programs. Others are designed to assist the Legislature in maintaining the level of expertise necessary to react to the various, complex and changing issues with which it is faced. Studies are often undertaken to review controversial problems and to seek reasoned solutions to them. Studies may also address issues for which there was insufficient time or information for a committee or the full Legislature to consider during the session.

With approval of the Legislative Council, joint standing committees (usually through a subcommittee) may study problems and proposed solutions to issues that are or are expected to be before the Legislature. Individual legislators may also submit requests for study committees to the Legislative Council. The council determines which of the proposed studies to ap-

prove, and may provide budgets for joint standing committees to conduct the approved studies.

Occasionally, committees seek approval for studies to be conducted by the nonpartisan staff of the Legislature. These are generally information-gathering studies and do not involve the development of policy recommendations.

When expertise from more than one committee or from outside the Legislature is necessary to address an issue, legislation (generally a resolve or joint order) may be passed establishing a special commission or task force to conduct a study. The authorizing legislation establishes the membership, outlines the study and provides funding. If a study committee is to be a joint select committee, comprised of legislators, it is usually established by joint order.

There are also other opportunities for legislative studies. The Legislative Council may conduct or initiate a study and direct a committee to report its findings to the council. Laws, resolves or orders may also require routine legislative review of particular provisions, such as the sales tax and income tax exemptions.

Study groups review pertinent information and testimony, which may be received through public hearings and from staff, and report their findings to the Legislative Council or to the Legislature. The reports can be narrative or in the form of suggested legislation. Frequently, the reports are a combination of both narrative and suggested legislation. Reports are written and legislation drafted for the study group by the nonpartisan legislative staff assigned to the study by the Legislative Council.

2. State Government Evaluation

Maine's "State Government Evaluation Act" (3 MRSA c. 35) establishes a system of periodic legislative review of state agencies that

receive support from the General Fund. The reviews are conducted according to a schedule contained in the act by the joint standing committee having jurisdiction over the same matters as the agency being reviewed. The committee's review includes an evaluation of each agency's management and organization, program delivery, goals and objectives, statutory mandate, and fiscal accountability.

3. Review of Agency Rules

Administrative rules are adopted by executive agencies to assist in implementing laws and to ensure uniform enforcement and compliance with those laws. In adopting a rule, an agency must comply with the provisions of the Maine Administrative Procedure Act (5 MRSA c. 375), or the MAPA, which ensures openness, fairness and opportunity for public participation in the adoption process.

The Legislature has taken a series of actions since the MAPA was originally enacted in 1978 to further strengthen the Legislature's oversight of the rule making process.

- Legislative Review of Agency Rules Law (5 MRSA c. 377-A), passed in 1981, provides for review of rules by joint standing committees of the Legislature upon petition of 100 or more people with a substantial interest in the subject of the rule or upon petition of an individual who is adversely affected by the rule.
- An amendment to the MAPA (5 MRSA §8053-A) passed in 1986 requires that agencies provide joint standing committees of the Legislature notices of regulatory agendas and copies of proposed rules prior to their adoption.

- A 1995 amendment to the MAPA requires legislative review of major substantive rules before they may be finally adopted and implemented by the agency (5 MRSA c. 375, subchapter II-A). Agencies file provisionally adopted major substantive rules with the Legislature. The appropriate joint standing committees review the rules and make a recommendation to the full Legislature on whether the rule should be finally adopted and go into effect.

4. Oversight of Agency Budgets

Most executive agency budgets are reviewed by the Joint Standing Committee on Appropriations and Financial Affairs. The Appropriations Committee holds joint public hearings with other legislative committees on each department budget and reports its decisions to the Legislature in the form of a bill. The Highway Fund is a special case. The budget for that fund, in the form of a bill, usually is reviewed and reported out by the Transportation Committee. A more detailed description of the budget process is found in the section “The Budget Process.”

Pursuant to the Joint Rules, the various joint standing committees play a role in reviewing the budgets of agencies within their subject matter jurisdiction. These committees hold joint public hearings with the Appropriations Committee, report their recommendations to the Appropriations Committee and participate, through subcommittees, in the Appropriations Committee deliberations on relevant portions of the budget.

5. Review of Gubernatorial Appointments

The joint standing committees of the Legislature are responsible for reviewing guber-

natorial appointments as provided by law. Their recommendations on nominees are reported to the Senate for confirmation or denial. The requirements of this process are established by the Constitution of Maine (Article V, Part First, Section 8) and statutory law (3 MRSA c. 6). The process followed by the committees is outlined in Joint Rules 501 through 508.

**PART II
ADMINISTRATIVE
INFORMATION**

**A. LEGISLATIVE SALARIES
AND EXPENSES AND OTHER BENEFITS**

Legislators' salaries and expense allowances are governed by statute (3 MRSA §2). Payments are based on information legislators provide on expense vouchers submitted weekly to the Office of the Executive Director of the Legislative Council when the Legislature is in regular session and after each authorized meeting during the interim. The President of the Senate or the Speaker of the House must approve all reimbursements for attendance at meetings that have not been specifically authorized by the Legislative Council. When incurring and reporting expenses, legislators should keep in mind that all expense vouchers are a matter of public record and are available for review by the public in the State Controller's office.

1. Legislative Salary

\$11,384	1st Regular Session
\$ 8,302	2nd Regular Session

*Legislators who receive retirement benefits from the Social Security Administration may file a written request with the Executive Director of the Legislative Council to receive \$9,843 in each year of the biennium.

Note: The salary for each legislative session must be adjusted each December 1st by the percentage change in the Consumer Price Index for the most recently concluded fiscal year, not to exceed 5% in any year. The salary outlined above reflects the pro-

jected adjusted amounts for the 121st Legislature.

Per Diem \$55/day for authorized committee meetings during interim;
\$100/day for special session only

2. Session Expense Allowance

Meals and Lodging or \$70/day

Meals and \$32/day

Mileage in Lieu of Lodging \$.32/mile not to exceed \$38/day

Tolls Actual (receipts required)

3. Interim Expense Allowance

Lodging Actual (receipts required)

Meals Actual (up to \$32/day)

Mileage \$.32/mile

Tolls Actual (receipts required)

4. Constituent Service Allowance

Senators: \$2,000/year: \$1,300 in January of First Regular Session; \$700 at end of First Regular Session

Representatives: \$1,500/year: \$1,005 in January of First Regular Session; \$495 at end of First Regular Session

Note: During the First Regular Session of each legislative biennium, legislators may

elect to receive the first payment of the constituent allowance in December, rather than January, upon request to the Executive Director of the Legislative Council. The constituent allowance is taxable in the year in which payment is made.

5. Out-of-State Travel

All out-of-state travel by legislators must be authorized in advance by the President of the Senate or the Speaker of the House. After obtaining approval from their presiding officer, legislators are encouraged to seek assistance in making travel arrangements, including event registration, hotel reservations and transportation, from the Office of the Executive Director of the Legislative Council.

It is the Legislature's policy to reimburse legislators for the actual expenses they incur in the course of approved out-of-state travel, as long as the expenses are reasonable. The President of the Senate and Speaker of the House have established written standards for reimbursement of expenses; these standards are available from the Office of the Executive Director of the Legislative Council.

6. Health and Dental Insurance

Legislators are eligible for health and dental insurance coverage under the group health insurance plan available to state employees. Health insurance coverage is provided through a point-of-service managed care plan with comprehensive benefits, including preventive care, hospital and medical services and prescription drugs. Copayments are required for office visits to health care providers, for certain services and for prescription drugs. The State pays 100% of the health insurance premium for legislators and 50% of the premium for their dependents. Following their legislative service, legislators of retirement age may continue to participate in the group health plan. The State's

premium contribution is pro-rated based on the legislator's years of participation in the plan; the legislator is responsible for any portion of the premium not paid by the State and for 100% of the premium for their dependents.

Dental insurance is available to legislators and their dependents. The State pays 100% of the dental insurance premium for legislators; legislators are responsible for paying dependent premiums.

Questions about health or dental insurance coverage, benefits or premiums can be answered in the Office of the Executive Director of the Legislative Council or the Office of Employee Health and Benefits in the Department of Administrative and Financial Services.

7. Legislative Retirement

The Maine Legislative Retirement System provides a defined benefit retirement plan similar to the retirement plan for state employees, judges and teachers provided by the Maine State Retirement System. The legislative retirement system is administered by the Board of Trustees of the Maine State Retirement System. Legislators' retirement benefits are determined by a formula based on length of legislative service and average compensation. Disability retirement and death benefits are also available.

The system is funded by legislator (employee) and employer contributions. Legislator contributions are set by statute as a percentage of employee compensation. The total state contribution is the difference between the system's liability for payment of benefits and the amount of assets available to pay benefits. It is determined on an actuarial basis by the Board of Trustees of the Maine State Retirement System and is expressed and paid as a percentage of each employee's compensation.

Generally, membership in the legislative retirement system is mandatory for all legislators. However, there are some exceptions for legislators who are already members of the Maine State Retirement System. In addition, a waiver from membership may be requested from the President of the Senate or the Speaker of the House based on participation in social security or another retirement plan.

Questions regarding membership, contributions or benefits under the Maine Legislative Retirement System can be answered in the Office of the Executive Director of the Legislative Council or by the Maine State Retirement System.

8. Leave of Absence to Serve as a Legislator

State law (26 MRSA §§821-824) requires an employer to grant an employee a leave of absence to serve in the Legislature, provided certain conditions are met. The leave is for a single two-year legislative term and may be without pay. Following the leave, the employee is entitled to be restored to the same or a similar position, if still qualified.

9. Legislators' Federal Income Tax

The federal Economic Recovery Tax Act of 1981 (PL 97-34) provides that state legislators whose "district home" is 50 miles or more from the State Capitol may designate their district home as their home for tax purposes and deduct a flat per diem rate for each authorized legislative day, including regular session days and authorized committee meetings during the interim. The effect of this provision is to reduce the total taxable income for many legislators.

The Office of the Executive Director of the Legislative Council provides each member with a summary of legislative meeting days and total reimbursed expenses to aid legislators in completing their federal tax returns. This in-

formation is distributed in late January of each year.

All legislators incur many nonreimbursable expenses in carrying out their responsibilities as state legislators. For income tax purposes, legislators are responsible for keeping these records. Many of these can be claimed as deductible “business” expenses if receipts and logs documenting mileage are maintained.

Further information concerning these special federal tax provisions is available from the Office of the Executive Director of the Legislative Council.

B. LAWS GOVERNING CONDUCT OF LEGISLATORS

In 1975, the Legislature enacted ethics laws regarding standards of conduct for legislators (1 MRSA §§1011-1023). That legislation recognizes that the increasing complexity of State Government makes conflicts of interest almost inevitable for part-time public officials, particularly for legislators who vote on measures affecting almost every resident of the State. In the statement of purpose accompanying the statutory provisions dealing with legislative ethics, the Legislature declared:

If public confidence in government is to be maintained and enhanced, it is not enough that public officers avoid acts of misconduct. They must also scrupulously avoid acts which may create an appearance of misconduct. The Legislature cannot legislate morals and the resolution of ethical problems must indeed rest largely in the individual conscience. The Legislature may and should, however, define ethical standards, as most professions have done, to chart the areas of real or apparent impropriety.

Each legislator should carefully review the statutory provisions and not rely exclusively on the following summary.

1. Income Reporting

The law (1 MRSA §1016-A) requires legislators to report their sources of income (excluding duly-reported campaign contributions) by February 15th of each year. Candidates for the Legislature must report income sources by the first Monday in August preceding the general election. Each source that exceeds \$1000 in the aggregate must be reported by category or economic activity. Any change to a legislator's filed financial report must be reported by the legislator to the Secretary of State within 30 days. Intentionally filing a false statement is a Class E crime.

2. Conflict of Interest

Title 1 MRSA §1014 lists several activities constituting a conflict of interest to help define ethical standards and to identify areas of real or apparent impropriety that are to be avoided. These are examples and should not be considered an exhaustive list. The section also identifies various situations of apparent "undue influence" and "abuse of office or position" where a conflict of interest is presumed.

The law defines a conflict of interest to exist where a legislator or a member of that legislator's immediate family:

- Has or acquires a strong and direct financial interest in a business, or derives a direct financial benefit from an association with a person with a direct financial interest in a business that the legislator knows will be benefited by a proposed law;
- Accepts gifts (excluding duly-reported campaign contributions) from someone whose personal or business interests are likely to be affected by a proposed law, if the

legislator knows or should know that the reason for the gift was to influence the legislator's vote or to reward the legislator's action;

- Receives compensation not authorized by law for the legislator's assistance and services as a legislator, or for appearing on behalf of someone with a claim pending before the Legislature;
- Takes a job where there is a strong possibility that the job was given to the legislator or a family member to influence the legislator's vote; or
- Would receive special benefit in the legislator's business or profession under proposed legislation.

Under the law, a conflict of interest is presumed when a legislator:

- Receives compensation for representing someone before a state agency (except as a lawyer or other professional, acting within the scope of that legislator's employment);
- Represents someone selling goods or services to the State when the sales did not occur according to competitive bidding practices; or the legislator or a family member has a direct financial interest in a contract for goods and services with the State that was not subject to competitive bidding;
- Grants or obtains a special privilege for self or family by use of the legislator's position; or

- Uses or discloses confidential information obtained because of office or position for the benefit of that legislator or someone else.

If a conflict of interest exists, State law explicitly declares that the legislator must not “vote on any question in connection with the conflict in committee or in either branch of the Legislature, and shall not attempt to influence the outcome of that question.” (1 MRSA §1015, sub-§1)

3. Solicitation and Acceptance of Campaign Contributions

Title 1 MRSA §1015, subsection 3 prohibits legislators and their staff from soliciting or accepting contributions from a lobbyist, lobbyist associate or employer between the time the Legislature convenes each year and the time it adjourns in the first session or the deadline for filing as a candidate under state election law in the second session. The law also applies to the Governor and the constitutional officers and their staffs.

4. Commission on Governmental Ethics and Election Practices

To ensure adherence to the ethical standards it incorporated into law, the Legislature also created the Commission on Governmental Ethics and Election Practices. The general duties of the commission are to investigate and report on any apparent violations of the ethical standards set by the Legislature and to investigate any violations of the requirements for campaign reports, financing and practices. The commission also has the authority to issue advisory opinions and guidelines on problems or questions involving possible legislative conflicts of interest, to investigate complaints filed by legislators alleging conflict of interest against any other legislator and to administer the finan-

cial disclosure requirements imposed on legislators.

If the commission finds that a legislator has voted or acted in conflict of interest, it is required to report its findings in writing to the chamber of which the legislator is a member for appropriate action.

Legislators seeking further clarification of the provisions governing conflict of interest and income reporting may consult their respective presiding officers, the Office of the Attorney General, or the Commission on Governmental Ethics and Election Practices.

C. FREEDOM OF ACCESS: CONFIDENTIALITY

Issues surrounding the confidentiality of legislative documents arise frequently: members of the media want to know what bills particular legislators may be sponsoring; lobbyists want to be prepared to represent the interests of their clients; and legislators are interested in knowing about upcoming legislation.

Maine's freedom of access laws (1 MRSA §401 et seq.) acknowledge the right of the public to obtain access to governmental records, but provide that records, working papers and interoffice and intraoffice memoranda "used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees" are confidential. The statute provides confidential status to those records only during the legislative session or sessions in which the records are used. Thus, for example, when the First Regular Session of the 121st Legislature adjourns sine die, all legislative files from that session are open for public inspection. Bills that are carried over to the next session are in the possession of the Legislative Information Office

until the start of the next regular session. All other bill files are transferred to the Law and Legislative Reference Library.

Files maintained for legislators by the nonpartisan staff offices are held confidential during the legislative session, though any legislator may make public at any time any portion of that legislator's own file.

Because committee meetings are public proceedings under the freedom of access laws, they are open to the public and public notice is required. According to Legislative Council policy, materials presented during public proceedings no longer have confidential status. Materials presented to committee members outside of public meetings, however, are considered confidential until such time as they are discussed in a public forum, presented to the Legislature or released by a member of the committee.

D. AMERICANS WITH DISABILITIES ACT (ADA) ACCOMMODATIONS

The Legislature is continuing to develop resources to accommodate people with disabilities. Assistive listening equipment is available in the Senate and House chambers and in legislative hearing rooms. There is also a portable listening system available from the ADA Coordinator. ASL (American Sign Language) interpreters are available on specific days during the Legislative Session; the scheduling is done by the ADA Coordinator. The interpreters can be scheduled to interpret committee public hearings and work sessions, and they are available to help legislators communicate with constituents visiting the State House. Public TTY pay phones are located on the 1st floor of the State House (near the Visitors' Center), on the 4th floor of the State House near the north elevator and in the State Office Building. Emergency

evacuation chairs also are located throughout the State House.

For more information, contact:

Teen Ellen Griffin, ADA Coordinator
100 State House Station
Room 121 State House
Tel: 287-1692
Fax: 287-1580
TTY: 287-6826

E. LOBBYIST DISCLOSURE

Scores of lobbyists regularly work in Augusta and can provide significant information and assistance to the Legislature. However, lobbyists can also use their skills of analysis and counsel to advocate one particular viewpoint in a very concentrated way.

The Lobbyist Disclosure Procedures Act (3 MRSA c. 15), enacted in 1975, recognizes the legitimacy of lobbying activities and establishes registration and reporting requirements to ensure those activities are carried out openly. The law requires lobbyists and their employees to register and to file annual reports with the Commission on Governmental Ethics and Election Practices. In addition, each lobbyist must file a monthly report during the legislative session showing for whom the lobbyist worked, what issues he or she lobbied for, how much compensation the lobbyist received for lobbying and how much money was spent for lobbying activities.

Failure to register or to file a report could subject the lobbyist to a \$100 fine or suspension of the right to lobby.

As defined in the Act, “lobbying” means communicating directly with any official in the legislative branch for the purpose of influencing legislative action, when reimbursement is paid. Legislative action is virtually any aspect of the legislative process—drafting, amending or defeating a bill, report or nomination—and

includes approving or vetoing legislation by the Governor. A lobbyist is any person who is specifically employed by another person to lobby and who engages in lobbying. "Lobbyist" also means any person in the regular employment of another who spends more than eight hours in any calendar month lobbying. State employees or independent agency employees who serve as the primary legislative designee for that department or agency must register with the Commission. In general, employees of state agencies are excluded from the reporting requirements for lobbyists.

F. SMOKING POLICY

The Legislative Council has adopted a smoking policy that prohibits smoking in the State House, in the Burton M. Cross State Office Building and in any other location on the State House complex, except in areas on the grounds that have been specifically designated for smoking purposes.

G. SEXUAL HARASSMENT

Sexual harassment is a violation of the Maine Human Rights Act (Title 5, chapter 337) and the federal Civil Rights Act. The Legislative Council has adopted policies designed to provide a work environment for both legislators and legislative employees that is free from sexual harassment.

According to the Legislative Council's policy, sexual harassment is defined as deliberate or repeated unsolicited comments, gestures or physical contacts of a sexual nature that are unsolicited and unwelcome by the recipient. The following behaviors constitute sexual harassment and are subject to disciplinary action:

- Abusing the dignity of an employee through insulting or degrad-

ing sexual remarks or conduct, such as:

- Repeated sexual flirtations, advances or propositions;
 - Continued or repeated verbal abuse of a sexual nature, sexually related comments and joking, graphic or degrading comments about an employee's appearance, or the display of sexually suggestive pictures of either sex or objects; and
 - Any unwelcome physical contact or touching, such as patting, pinching, or constant brushing against an employee's body;
- Threats, demands or suggestions that an employee's work status, job security, opportunity for advancement, salary, benefits, work assignment or other condition of employment are contingent upon the employee's toleration of or acquiescence to sexual advances; or
 - Retaliation against employees for complaining about the behaviors described above.

By law, individuals who believe he or she has been subjected to sexual harassment may file a complaint with the Maine Human Rights Commission within 180 days from the date of the alleged sexual harassment. In addition, the Legislative Council has established a procedure that encourages prompt informal resolution of a complaint of sexual harassment. A legislative employee who feels subjected to any form of sexual harassment should notify his or her immediate supervisor, the office director, or the

Executive Director of the Legislative Council. A legislator who feels subjected to any form of sexual harassment should notify his or her caucus leader, presiding officer, or the Secretary of the Senate or Clerk of the House.

Complaints will be investigated immediately, and an attempt will be made to resolve the situation. If complaints are found to have merit, appropriate disciplinary actions aimed at ending the harassment will be taken.

**PART III
LEGISLATIVE STAFF
SERVICES**

A. LEGISLATIVE COUNCIL

The Legislative Council consists of the ten elected members of leadership: typically, the President of the Senate, the Speaker of the House, the Republican and Democratic Floor Leaders for both the House and Senate, and their Assistant Floor Leaders. During the 120th Legislature, the President Pro Tempore of the Senate, but not the President of the Senate, served on the Legislative Council as part of the power-sharing agreement adopted by the Senate for that biennium. The Council Chair and Vice-Chair are elected by the Legislative Council at the beginning of each legislative biennium. By tradition, the chair alternates every two years between the House and Senate.

The council is responsible for the overall management of the entire Legislature. Its powers and duties are set forth in statute (3 MRSA §162) and in the Joint Rules that the Legislature adopts at the beginning of each legislative biennium. Its powers and duties include: preparation of legislative budget requests and provision for oversight of legislative funds; establishing salary and benefit schedules for all legislative employees, except as otherwise provided by law; approval of employment practices; appointment of directors of the nonpartisan staff offices; planning and overseeing projects designed to improve the organization, operation and physical facilities of the Legislature; assignment of work to legislative committees when the Legislature is not in session, consideration of requests to introduce bills after cloture (after-deadline bills) and screening all bill requests prior to their introduction in the Legislature's second regular session and all special ses-

sions. Policies adopted by the council are implemented under the direction of the Executive Director of the Legislative Council.

The Legislative Council is required by statute to meet at least once monthly. Information concerning meeting agendas is available from the Office of the Executive Director of the Legislative Council. A summary of each council meeting is distributed to all members of the Legislature.

B. LEGISLATIVE COUNCIL NONPARTISAN STAFF OFFICES

The Legislative Council by law is responsible for providing professional, nonpartisan staff support services to the Legislature and its officers, members, committees and commissions. These services include:

- Bill drafting;
- Policy, legal and fiscal research and analysis;
- Committee staffing;
- Computer support services;
- Public information;
- Reference services; and
- General administrative services.

These services are provided through the Legislative Council nonpartisan staff offices under the overall direction of the Executive Director. The organization, purposes and responsibilities of the nonpartisan staff offices are established by law (3 MRSA §163 et seq.).

All communications between legislators and nonpartisan staff concerning legislation and reports prepared for committees are confidential during the legislative session in which they are prepared or until distributed and discussed in public (see discussion under **Freedom of Access: Confidentiality** in Part II).

- **Legislators' Handbook 84**

As nonpartisan employees of the Legislature, members of these staff offices are prohibited from engaging in political activity or taking a public position with regard to any matter that is under active consideration by the Legislature. In their work, nonpartisan staff must maintain their neutrality.

**1. Office of the Executive Director
of the Legislative Council**

Room 103, State House

287-1615, FAX 287-1621

<http://janus.state.me.us/legis/legcouncil/>

David E. Boulter, Executive Director

Rose Marie Breton, Administrative Services
Director

a. General Administrative Services:

- Direct the activities of the nonpartisan staff offices pursuant to policy established by the Legislative Council
- Coordinate agenda preparation for the Legislative Council, implement policy decisions of the council and staff Legislative Council committees and subcommittees
- Supervise all legislative administration functions, provide general administrative services to the Legislature, including legislators' expense reimbursements, payroll, human resource matters, accounting and budgeting and maintain the State House facilities

2. Law and Legislative Reference Library

Room 202 (North Wing), State House
287-1600, TDD 287-6431, FAX 287-6467
<http://www.state.me.us/legis/lawlib/homepage.htm>

Lynn E. Randall, State Law Librarian
Stephanie P. Ralph, Principal Law Librarian
Sheila Bearor, Principal Law Librarian

a. Primary Services:

- Reference and information services to legislators, their staff and constituents
- Internet access to library catalog and catalogs of other (major) Maine libraries through URSUS and Maine InfoNet
- Access to the Internet and online governmental and legal resources
- Computerized literature searches
- Collection and distribution of information and data to legislative committees and staff
- Coordination of an extensive lending collection of state and federal documents
- Interlibrary borrowing and document delivery

b. Collections of Special Interest:

- Extensive collection of primary legislative materials, including: Maine statutes and session laws from 1820; legislative record from 1897; House and Senate journals from 1854; legislative study reports from 1941; roll calls and sponsor lists; joint standing committee
- **Legislators' Handbook 86**

master files from 1983; agency testimony and budget information for the Appropriations Committee from 1991

- Newspaper clipping files with articles selected from over 25 Maine and national newspapers
- Biographical files of state legislators, other political figures, attorneys and judges

3. Office of Fiscal and Program Review

Room 226, State House
287-1635, FAX 287-6469

Grant T. Pennoyer, Director
Marc A. Cyr, Principal Analyst
James K. Dionne, Principal Analyst
<http://www.state.me.us/legis/ofpr>

a. Primary Services:

- Staff the Committees on Appropriations and Financial Affairs, Taxation, Transportation (fiscal matters) and other legislative committees as assigned
- Collect and analyze fiscal and program information related to the finances and operation of State Government, prepare general fiscal background materials and monitor agency financial status, including transfers of funds
- Analyze the Governor's budget and all other appropriation requests and provide fiscal research upon request from legislators, legislative committees or commissions

- Conduct special budget studies, including revenue and expenditure projections and trends
- Review all bills and amendments for fiscal impact and prepare fiscal notes for those having a projected fiscal impact
- Draft bills for introduction in cooperation with the Revisor of Statutes
- Provide staff assistance to approved interim study subcommittees and commissions and draft final reports and associated legislation
- Represent the Legislature on the Revenue Forecasting Committee established in law (5 MRSA §1710-E) to provide policy makers with General and Highway Funds revenue projections for the current and the ensuing 2 fiscal bienniums
- Publish various publications including the *Compendium of State Fiscal Information* and the *Summary of Major State Funding Disbursed to Municipalities and Counties* and publish with OPLA the *Enacted Law Digest* and *Bill Summaries* for each legislative session

4. Office of Policy and Legal Analysis

Room 215, Burton M. Cross State Office Building

287-1670, FAX 287-1275

<http://www.state.me.us/legis/opla/homepage.htm>

David C. Elliott, Director

Patrick T. Norton, Deputy Director

- **Legislators' Handbook 88**

Darlene Shores Lynch, Senior Researcher

a. Primary Services:

- Staff 15 joint standing committees (and other legislative committees as assigned), including providing policy and legal research and analysis on pending bills, agency major substantive rules and Government Evaluation Act reviews of agencies, helping organize and facilitate the committee decision-making process, preparing management reports of bills in committees and committee studies, preparing committee amendments and formulating study requests with committees
- Staff interim study subcommittees and commissions, including providing policy and legal research and analysis, helping organize and facilitate study group decision-making process and drafting final reports and associated legislation
- Conduct approved staff studies, including researching and analyzing background information on assigned topics and defining options for addressing issues suggested or utilized by others
- Draft bills for introduction in cooperation with the Revisor of Statutes
- Assist committees in review of budget bills and preparation of reports to the Appropriations Committee in cooperation with the Office of Fiscal and Program Review

- Prepare general legal and policy background materials and respond to legislators' requests for information
- Publish various legislative publications, including the *Enacted Law Digest* and *Bill Summaries* for each session

5. Office of Revisor of Statutes

1st Floor, Room 106, State House

287-1650, FAX 287-6468

<http://janus.state.me.us/legis/ros/>

Margaret E. Matheson, Revisor

Suzanne M. Gresser, Principal Attorney

a. Primary Services:

- Draft legislation, joint resolutions, memorials, orders and amendments
- Review and edit all legislative instruments for proper form, style and usage prior to introduction
- Administer cloture and related deadlines established by statute, joint rule, and the Legislative Council
- Identify duplication and conflicts in legislation and take necessary steps to resolve them
- Review legislation at second reading in each house and prepare any necessary amendments
- Engross all documents passed to be engrossed and prepare bills for final enactment
- Maintain the text of the Maine statutes, the Maine Constitution and the *Laws of the State of Maine* online
- Coordinate the State role in maintaining the *Maine Revised Statutes Annotated*, including annual updates and revisions

- Maintain and update the Constitution of Maine
- Publish various publications, including the *Laws of the State of Maine and the Maine Legislative Drafting Manual*

6. Office of Legislative Information Services

Paul E. Mayotte, Director

Scott W. Clark, Deputy Director

Floor 2½Room 262, State House

287-1625, FAX 287-2557

a. Legislative information systems and related services:

- Develop or acquire software solutions
- Provide and maintain legislative data communications facilities, including sound broadcasts over the local area network (LAN)
- Provide database administration, data backup and security and help-desk assistance
- Provide legislator and staff technology training
- Index Legislative Documents and publications
- Provide legislative telephone support services
- Provide electronic mail, file storage and groupware services
- Provide technical support for content development on legislative Internet sites

b. Legislative Information Office:

Teen Ellen Griffin, Manager

- **Legislators' Handbook 92**

Room 121, State House
287-1692, FAX 287-1580, TTY 287-6826
<http://janus.state.me.us/legis/ljo>

- Record, compile and provide information on the current status of matters before the Legislature, including public hearings
- Compile information about boards, commissions and legislative studies
- Coordinate work of committee clerks and provide other general administrative support to legislative committees
- Coordinate the legislative confirmation process for gubernatorial nominations
- Schedule use of legislative hearing rooms

C. SENATE AND HOUSE ADMINISTRATION

1. Secretary of the Senate

3rd Floor, Room 327, State House
287-1540, FAX 287-1900

The Secretary of the Senate is the chief administrative officer of the Senate. Elected by the Senate at the beginning of each biennium, the secretary performs a variety of tasks necessary for the efficient operation of the Senate. For example, the secretary keeps a journal of proceedings and a verbatim record of floor debate; prepares the Advance Journal and Calendar of the Senate; reads bills, messages and documents; is responsible for all papers, bills and documents in possession of the Senate; and transmits messages and papers to the Governor,

Clerk of the House and the Secretary of State. Also, the Secretary maintains a record of votes and other actions by the Senate.

Aided by the Assistant Secretary of the Senate and staff, the Secretary performs a variety of additional duties, including selecting, hiring and maintaining personnel files of the office staff, ordering necessary equipment and supplies, supervising the work flow of the office, providing information for individual senators and supervising the printing of all Senate papers. The Secretary approves vouchers for officers and employees of the Senate.

Suggesting a committee reference for bills in conjunction with the Clerk of the House is another of the Secretary's responsibilities. In addition, the Secretary processes the various nominations by the Governor that require Senate confirmation.

Additional chamber staff, appointed by the President and supervised by the Secretary of the Senate, also serve the Senate: a sergeant-at-arms, postmaster, pages and daily honorary pages.

Courtesy of the Secretary of the Senate, a weekly schedule of committee public hearings is prepared and distributed by the secretary and staff.

2. Clerk of the House

3rd Floor, Room 300, State House
287-1400, FAX 287-1456

The Clerk of the House is the chief administrative officer of the House of Representatives. The clerk is elected by House members at the beginning of each biennium. Among other duties, the Clerk keeps a journal of House proceedings; reads bills, messages and papers before the House; notifies committees of their membership and refers business to them; certi-

fies vouchers for the officers and employees of the House; has charge of all papers and documents in the possession of the House; and transmits messages and documents to the Governor and Senate.

The Clerk, in association with the Secretary of the Senate, is responsible for suggesting committee references for bills. They jointly edit the House and Senate registers.

The clerk's office keeps copies of each House roll call vote and directs all House printing. In addition to preparing each day's House Calendar and the House portion of the Legislative Record, the clerk issues the Weekly Legislative Report which lists all bills printed and all bills enacted. The Weekly Legislative Calendar lists meetings of legislative committees, commissions and other groups of interest to legislators; it is published year round.

The Clerk schedules school bands for concerts before the convening of the House and Senate sessions. The Clerk also schedules the services of a member of the clergy to provide an opening prayer on each day of the session. The Clerk is assisted by the Assistant Clerk, who is also elected by the House.

Additional staff also serve the House: a sergeant-at-arms, an assistant sergeant-at-arms, a document clerk (who serves all legislators and the public), two doorkeepers, a House reporter, a courier, five pages and daily honorary pages. Each of these positions is filled by appointment of the Speaker, unless the House otherwise directs.

D. OTHER STAFF SERVICES

1. Leadership Office Staff

Office of the President of the Senate 287-1500

Office of the Speaker of the House	287-1300
Senate Majority Office	287-1515
Senate Minority Office	287-1505
House Majority Office	287-1430
House Minority Office	287-1440

The President of the Senate, the Speaker of the House and the floor leaders of both houses are entitled to hire aides to assist them in their legislative and partisan functions. These partisan aides provide a variety of services, including:

- Assisting party members with constituent services that involve issues related to State Government (federal issues are generally handled by the offices of the congressional delegation);
- Producing press releases and newsletters, arranging media interviews and providing media training for party members;
- Assisting party members in developing and handling legislation, including gathering information, conducting research and preparing testimony;
- Monitoring legislation for caucus members; and
- Providing research for committee review of gubernatorial nominations.

The Senate President and the Speaker may also employ legal counsel to aid them in their review of legislation.

2. Committee Clerks

Committee clerks are session employees who assist each joint standing and joint se-

lect committee of the Legislature. Clerks are appointed by mutual agreement of the Senate and House chairs of each committee and serve at the pleasure of the presiding officers. Organization and coordination of the work of committee clerks are provided by the Legislative Information Office.

Clerks are responsible for securing rooms for public hearings, preparing public notices for upcoming hearings, keeping lists of witnesses who appear at hearings, maintaining custody of bills from the time they are referred to committee until they are reported out of committee, obtaining the signatures of committee members on “jackets” of committee reports and performing secretarial services for the committee.

The mailing address for all joint standing committees and committee clerks is 100 State House Station, Augusta, Maine 04333.

E. OTHER SOURCES FOR LEGISLATIVE INFORMATION

There are several outside sources of information pertaining to legislative issues. The National Conference of State Legislatures (NCSL), the Council of State Governments (CSG) and federal agencies are widely used as sources of information by the states.

1. National Conference of State Legislatures

The National Conference of State Legislatures is funded by all 50 states, and the legislators and legislative staff of each state are entitled to use its services. NCSL provides information, technical assistance and, at the federal level, lobbying services.

The Washington, D.C. office, which specializes in state/federal relations and congressional relations, may be reached at 202-624-

5400. The Denver, Colorado office, which specializes in activities in the states, may be reached at 303-830-2200.

NCSL publishes several periodicals on a regular basis, including:

- *Capital to Capital.* This report, which is issued every two weeks, focuses on current state and federal issues and state events;
- *State Legislatures.* This monthly publication describes major issues that confront state legislatures;
- *Legislative Guide.* This is an in-depth guide to specific issues; and
- *Legisbrief.* This publication appears about four times per month. Each brief is a one-page summary of a timely issue and its status in the states.

The Law and Legislative Reference Library collection includes NCSL reports and audio tapes of NCSL's annual meeting. The library also has a current index of *Legisbrief* titles, which is also available at the library's World Wide Web site. NCSL is on the World Wide Web at <http://www.ncsl.org>. The site provides news, information about NCSL and links to state government sites.

2. Council of State Governments

The Council of State Governments is an information agency created and supported by all state legislatures. The CSG conducts research on state programs and issues, maintains an information library, assists in state and federal relations and helps coordinate state and regional cooperative efforts. CSG headquarters is in Lexington, Kentucky and may be reached at 606-244-8000. The eastern office of CSG is

- **Legislators' Handbook 98**

in New York City and may be reached at 212-912-0128. The CSG website is at <http://www.statesnews.org>.

The CSG publishes a number of books and periodicals available to legislators and their staffs. Of particular use are the following:

- *The Book of States*. This biennial work contains many tables of information about state government and essays on current issues;
- Directories (titles vary). CSG publishes three directories every two years. They cover: a) state elected officials; b) state administrative officers; and c) state legislative leadership and staff;
- *State Government News*. This monthly publication provides news and discusses issues of interest to state government; and
- *Spectrum*. This quarterly publication provides analysis on selected public policy issues.

The Law and Legislative Reference Library collection includes CSG publications.

F. REFERENCE MATERIALS

1. Laws, Administrative Rules

a. Maine Revised Statutes Annotated (MRSA)

Published by: West Group (in cooperation with the Office of the Revisor of Statutes)

Contains: Codified version of all public laws currently in force in Maine, Maine and U.S. Constitutions, notes on court decisions and other

- **Legislators' Handbook 99**

annotations (36 volumes, plus supplements)

Availability: Law and Legislative Reference Library, most staff offices, leadership offices, Office of the Clerk of the House, Office of the Secretary of the Senate, many committee hearing rooms and a codified but unannotated version of the statutes is available through a link on the legislative web site at <http://janus.state.me.us/legis>.

b. Laws of Maine (each session)

Compiled by: Office of the Revisor of Statutes

Contains: Public laws, private and special laws, constitutional resolutions, resolves, select joint resolutions and other significant legislative papers passed each session

Availability: Distributed to legislators and subscribers; back issues are available from the Law and Legislative Reference Library; available in most staff offices and some committee rooms. Laws for completed sessions dating back to the 118th Legislature are available on the legislative web site at: <http://janus.state.me.us/legis>

c. Legislative Documents (prior years)

Contains: Bills and amendments from prior years; indexed through “History and Final Disposition” books prepared by the Legislative Information Office

Availability: Bound volumes available in Law and Legislative Reference Library, some staff offices; documents from session just past available at legislative web site <http://janus.state.me.us/legis>

d. Pamphlets of Laws or Rules Pertaining to Specific Subjects

Compiled by: Various departments

Contains: Current law on a subject, e.g., election laws (Secretary of State), liquor laws (Bureau of Alcoholic Beverages and Lottery Operations), and in some cases agency rules

Availability: Request from department; some are available on the Web

e. Laws of other States; Federal Laws

Contains: Codified or session law versions of laws of each state and the federal government, and regulations in some cases

Availability: Law and Legislative Reference Library

f. Code of Maine Rules

Compiled by: Weil Publishing (621-0029)

Contains: Agency rules

Availability: Law and Legislative Reference Library; available on Secretary of State's website at <http://www.state.me.us/sos/ces/rcn/apa/dept.htm>

2. Directories

a. Senate and House Registers

Edited by: Secretary of the Senate and Clerk of the House

Contains: Constitution of Maine; directories of Senate, House, committees, staff and leadership; Joint, Senate and House Rules; phone numbers; press; Legislative Code of Ethics

Availability: Distributed early in the First Regular Session; previous editions available for reference in the Law and Legislative Reference Library

b. State of Maine Organizational and Telephone Directory

Contains: Telephone directory for State Government, including departments (printed copy no longer available)

Availability: On the Web at <http://www.state.me.us/bis/phone/phone.htm>

c. State House Station Directory

Compiled by: Department of Administrative and Financial Services, Bureau of Purchases

Contains: Alphabetical listing of station numbers (addresses) used for correspondence with state agencies

Availability: Distributed; accessible through State of Maine Home Page online

d. Maine Municipal Officials Directory

Compiled by: Maine Municipal Association,
Community Drive, Augusta
04330

Contains: Annual directory of municipal
officials, regional planning com-
mission, community action agen-
cies and county officers

Availability: Law and Legislative Reference
Library, Office of the Clerk of the
House and Office of the Secretary
of the Senate

e. Maine Register

Compiled by: Tower Publishing Co.
588 Saco Road, Standish, ME
04084

Contains: Directory of federal, state and
government officials; clubs; asso-
ciations; societies and organiza-
tions; businesses; and manufac-
turers

Availability: Copies in Law and Legislative
Reference Library, Office of the
Secretary of the Senate and Office
of the Clerk of the House

f. Maine Business and Professional Directory

Compiled by: Tower Publishing Co.
588 Saco Road, Standish, ME
04084

Contains: Directory of more than 45,000
Maine businesses and profession-
als by alphabet, geography and
product description

Availability: Law and Legislative Reference
Library

g. Maine Manufacturing Directory

Compiled by: Tower Publishing Co.
588 Saco Road, Standish, ME
04084

Contains: Annual directory of more than
2200 Maine manufacturing and
processing firms, by alphabet, ge-
ography and product description

(includes gross sales, average number of employees and imports and exports)

Availability: Law and Legislative Reference Library

3. Reports, Information

a. Bill Summaries

Compiled by: Office of Policy and Legal Analysis and Office of Fiscal and Program Review

Contains: Summaries of bills considered by the joint standing committees arranged by committee. Includes summaries of the content of all bills and resolves, any amendments adopted and the law or resolve if enacted

Availability: Office of Policy and Legal Analysis; Office of Fiscal and Program Review; at legislative website of Office of Policy and Legal Analysis: <http://www.state.me.us/me.us/legis/opla> and of Office of Fiscal and Program Review: <http://www.state.me.us/legis/ofpr>

b. Enacted Law Summaries

Compiled by: Office of Policy and Legal Analysis and the Office of Fiscal and Program Review

Contains: Summaries of public and private laws, resolves, constitutional resolutions and joint study orders enacted, approved or passed by each session of the Legislature arranged by committee jurisdiction

Availability: Office of Policy and Legal Analysis; Office of Fiscal and Program Review; at legislative website of Office of Policy and Legal Analysis: <http://www.state.me.us/legis/opla> and of Office of Fiscal and Program Review: <http://www.state.me.us/legis/ofpr>

c. History and Final Disposition

Compiled by: Legislative Information Office

Contains: Summary of the history and final disposition of all legislative documents in each session

Availability: Distributed to legislators following each session; back issues available from the Law and Legislative Reference Library; at Legislative Information Office website: <http://janus.state.me.us/legis/lio/>

d. Compendium of State Fiscal Information

Compiled by: Office of Fiscal and Program Review

Contains: Annual expenditures, revenues, comparisons and tables of the General Fund, Highway Fund and special revenue funds as well as tax and revenue sources

Availability: Office of Fiscal and Program Review; Law and Legislative Reference Library; at legislative website of Office of Fiscal and Program Review: <http://www.state.me.us/legis/ofpr>

e. Summary of Major State Funding Disbursed to Municipalities and Counties

Compiled by: Office of Fiscal and Program Review

Contains: An historical analysis of state funding that is disbursed to municipalities and counties

Availability: Office of Fiscal and Program Review; at legislative website of Office of Fiscal and Program Review: <http://www.state.me.us/legis/ofpr>

f. Maine State Government Annual Report

Compiled by: Department of Administrative and Financial Services

Contains: Organization charts, appropriations, program information, publications and histories of all

branches and agencies of state government

Availability: Distributed for current biennium; past editions: in Law and Legislative Reference Library and some staff offices

g. Articles, Clippings (Various subjects)

Collected by: Law and Legislative Reference Library; Maine State Library

Contains: Articles and clippings on items of general legislative interest

Availability: Libraries

h. Nonpartisan Staff Issue Briefs (Various subjects)

Compiled by: Office of Policy and Legal Analysis and Office of Fiscal and Program Review

Contains: Research and analysis on issues of general legislative interest

Availability: Office of Policy and Legal Analysis and Office of Fiscal and Program Review

i. Partisan Staff Issue Briefs (Various subjects)

Compiled by: Partisan staff

Contains: Research and analysis on various issues of legislative interest

Availability: Partisan staff offices

j. Study Reports

Compiled by: Office of Policy and Legal Analysis and Office of Fiscal and Program Review

Contains: Findings and recommendations of studies assigned to legislative committees and commissions

Availability: Office of Policy and Legal Analysis, Office of Fiscal and Program Review, Law and Legislative Reference Library, Maine State Library and at legislative website of Office of Policy and Legal Analysis: <http://www.state.me.us/legis/>

opla and of Office of Fiscal and

Program Review: <http://www.state.me.us/legis/ofpr>

4. Periodicals, Publications

a. Legislative Hearing Schedule

Compiled by: Secretary of the Senate

Contains: Weekly schedule of hearings to be held by joint standing committees

Availability: Distributed weekly

b. Weekly Legislative Calendar

Compiled by: Clerk of the House

Contains: Meetings of interest to legislators, notices and committee meetings, hearings, etc. during the period between sessions

Availability: Distributed weekly

c. Weekly Legislative Report

Compiled by: Clerk of the House

Contains: List of bills recently printed or laws enacted

Availability: Distributed weekly during sessions

5. Other Materials of Interest

a. Maine Legislative Drafting Manual

Compiled by: Revisor of Statutes

Contains: Specific instructions and examples for drafting various legislative documents and general background information on many aspects of the legislative process

Availability: Revisor of Statutes; at legislative website: <http://janus.state.me.us/legis/ros>

b. The Fiscal Note Process: An Overview

Compiled by: Office of Fiscal and Program Review

Contains: A summary of the fiscal note process, the implementation of the State Mandate Law, the Special Appropriations Table and the

Special Highway Table, and the relationship of the fiscal note process to the budgetary process

Availability: Office of Fiscal and Program Review; at legislative website: <http://www.state.me.us/legis/ofpr>

c. Person to Person: Legislating Maine (Video)

Produced by: Maine Legislature in cooperation with Southern Maine Technical College, and State Cable Company with the support of Maine businesses

Contains: A 28 minute video with teacher's guide depicting the role of legislators and the legislative process in Maine

Availability: Law and Legislative Reference Library

d. List of Registered Lobbyists

Compiled by: Commission on Governmental Ethics and Election Practices

Availability: Commission on Governmental Ethics and Election Practices 287-6221; Law and Legislative Reference Library

e. The Maine State House: A Brief History and Guide

Authors: Earle G. Shettleworth, Jr. and Frank A. Beard

Publisher: Maine Historic Preservation Commission

Contains: Historical guide and self-guided tour of the State House

Availability: Law and Legislative Reference Library and various other locations in the State House

f. Presidents of the Maine Senate from 1820 (1979)

Author: James H. Mundy

Publisher: President of the Senate

Contains: Portrait and biography of each Senate President since Maine became a State

Availability: Law and Legislative Reference Library, Maine State Library and Office of the Secretary of Senate

g. Speakers of the Maine House of Representatives from 1820 (1981)

Author: James H. Mundy

Contains: Portrait and biography of each Speaker of the House since Maine became a State

Availability: Law and Legislative Reference Library, Maine State Library and Office of the Clerk of the House

h. Senate Journal

Contains: Record of actions taken by the Senate

Availability: Office of the Secretary of the Senate and Law and Legislative Reference Library

i. House Journal

Contains: Record of actions taken by the House

Availability: Office of the Clerk of the House and Law and Legislative Reference Library

j. Legislative Record

Contains: Verbatim record of House and Senate actions and debate

Availability: Law and Legislative Reference Library, Office of the Secretary of the Senate and Office of the Clerk of the House and at www.state.me.us/legis/lawlib/melaw.htm

6. Internet Resources

a. Maine State Government Home Page

Contains: Links to many agencies and other internet sites related to State Government

Availability: At <http://www.maine.gov> and through terminals in Law and Legislative Reference Library

b. Maine Legislature Web Site

Contains: Links to legislative offices, bill status, publications and schedules

Availability: At <http://janus.state.me.us/legis>

PART IV CONSTITUTIONAL OFFICERS

The term “constitutional officers” is often used to refer to four officers of State Government: the State Auditor, the Secretary of State, the State Treasurer and the Attorney General. The State Auditor, however, is not mentioned in the Constitution of Maine and is therefore not actually a constitutional officer. Nevertheless, since the selection process for the State Auditor is similar to that of the constitutional officers, the Auditor enjoys a status which is very similar to that of those officers. The following brief description of the offices and the procedure by which persons are elected to fill them is designed to provide new legislators with a basic understanding of the unique position of these offices in State Government and the special relationship that they have with the Legislature.

A. THE ATTORNEY GENERAL

Pursuant to the Constitution of Maine (Article IX, Section 11), the Attorney General is chosen biennially at the first session of the Legislature by ballot of senators and representatives in joint convention. In the case of a vacancy when the Legislature is not in session, the Governor may fill the office by appointment, subject to confirmation by the Legislature. The Attorney General is the chief legal officer of the State and possesses wide-ranging powers to institute, conduct and maintain actions necessary for the protection of public order and individual rights. Certain specific duties of the Attorney General are set out in 5 MRSA chapter 9 and include appearing on behalf of the State in all civil actions in which the State is a party or interested. Several state agencies, such as the Finance Authority of Maine and the Public Utilities Commission, have attorneys on staff and do not gen-

erally rely on the services of the Attorney General. While the Legislature has attorneys on its nonpartisan staff who provide legal analysis and, under certain circumstances, legal opinions, legislators may also seek opinions from the Attorney General on issues raised by legislation.

B. THE SECRETARY OF STATE

Pursuant to the Constitution of Maine (Article V, Part Second), the Secretary of State is chosen biennially at the first session of the Legislature by joint ballot of senators and representatives in convention. In case of any vacancy, the Constitution of Maine provides that the Deputy Secretary of State shall act as Secretary of State until a successor is elected. The Secretary of State has custody of the state seal and, under the Constitution of Maine, is required to keep and preserve all records of all official acts and proceedings of the Governor, the Senate and the House of Representatives. The Secretary of State's office is the repository for important financial papers such as articles of incorporation and Uniform Commercial Code filings. The State Archives are within the Department of the Secretary of State. All rules adopted by all agencies are required by the Maine Administrative Procedure Act to be filed with the Secretary of State. The Secretary of State appoints notaries public and administers the laws relative to the registration of motor vehicles and the licensing of motor vehicle operators. The Secretary of State also administers state election laws.

C. THE TREASURER OF STATE

The Treasurer of State, pursuant to the Constitution of Maine (Article V, Part Third), is elected biennially at the first session of the Legislature by joint ballot of senators and representatives in convention. In case of a vacancy, the Constitution of Maine provides that the deputy treasurer shall act as Treasurer until a new

Treasurer of State is elected. The Treasurer of State oversees the State Treasury. The Treasurer is required to manage the State's funds in accordance with various guidelines set forth in statute (5 MRSA §135). With the concurrence of the State Controller or the Commissioner of Administrative and Financial Services, and the consent of the Governor, the Treasurer may invest excess money not required to meet current obligations.

D. THE STATE AUDITOR

The State Auditor is not a constitutional officer but is often referred to as such because the State Auditor is elected in a manner similar to the constitutional officers. Pursuant to statute (5 MRSA chapter 11), the State Auditor is elected at the first session of the Legislature by joint ballot of senators and representatives for a term of four years. A vacancy is filled by the President of the Senate or, if that office is vacant, by the Speaker of the House, until a successor is approved by the Legislature. The State Auditor's duties are various, including: performing post audits of all accounts of State Government, county governments and, under certain circumstances, municipal and quasi-municipal governments; reviewing departmental budgets and capital programs for efficient management; serving as a staff agency to the Legislature, or any legislative committee for the investigation of any phase of the State's finances. The fiscal administrator of the unorganized territories is within the Department of Audit.

PART V GLOSSARY

The following terms are commonly used in the legislative process in Maine. References to rules are to the rules adopted by the 120th Legislature.

Act: A bill passed or enacted by both chambers that becomes a public law or private and special law. Does not include resolves, constitutional resolutions, orders or other papers.

Adhere: A parliamentary procedure whereby, in response to conflicting action on a bill by one chamber, the other chamber of the Legislature votes to stand adamantly by its previous action. It is not proper for the adhering body to request a committee of conference, and a vote to adhere to a negative vote kills a bill. This motion is stronger than the motion to "INSIST", and is opposite of the action to "RECEDE."

Adjournment: The end of the legislative day. The time for reconvening is generally part of the motion to adjourn. A motion to adjourn is not debatable.

Adjournment sine die: Literally, "adjournment without a day." This designates the final adjournment of the legislative session when all legislative business has been completed.

After deadline bill: A request for introduction of a bill, resolve or constitutional resolution filed after the applicable cloture date. After deadline bills must be approved by a majority of the Legislative Council before they may be introduced.

Aides, legislative: Professional partisan staff assistants to the Legislature, responsible to members of their respective parties for constituent work, media relations and other duties.

Allocation: A legislative authorization to spend funds, other than from the General Fund (e.g., federal funds, funds in dedicated accounts), for a specific purpose. (See "APPROPRIATION.")

Amend: To alter or modify a law, bill or instrument.

Amendment: This term is generally used to describe the modification of the constitution (a "CONSTITUTIONAL AMENDMENT") or the modification of a legislative document. (See "AMENDMENT, COMMITTEE" or "AMENDMENT, FLOOR.") A proposal to modify current law, on the other hand, is simply a "BILL", if the bill is enacted, it becomes a "LAW."

Amendment, committee: An amendment of a legislative document proposed by all or part of the joint standing committee to which it was referred.

Amendment, floor: An amendment offered to modify a legislative document or another amendment to the document, presented by a legislator while the document is on the floor of that legislator's chamber, i.e., a senate amendment or house amendment.

Appropriation: A legislative authorization to spend funds from the General Fund for a specific purpose. (See "ALLOCATION.")

Appropriations table, special: Most bills affecting General Fund revenues or that require an appropriation are placed on the Spe-

cial Appropriations Table prior to enactment in the Senate. All such bills are then reviewed by the Appropriations Committee and leadership, who, in the closing days of the session, recommend passage, amendment or defeat of a bill. Bills on the appropriations table are listed on the Senate Calendar.

Bicameral: Literally, “having two rooms”. The term is used to refer to Legislatures having two chambers.

Biennium: A two-year period. This term is used to describe the two-year cycle of a Legislature or the period of the state budget.

Bill: A proposal for a law; strictly speaking, it refers only to proposed public or private and special laws. Other types of proposals include “RESOLVE,” “RESOLUTION,” and “CONSTITUTIONAL RES-OLUTION.” Any such proposal is generally referred to as an L.D. or Legislative Document. (See also “FORM OF A BILL” and “HOW TO READ A BILL.”)

Blaine House: The residence of Maine’s Governors since 1920, named after James G. Blaine (1830-1893), presidential candidate, U.S. Secretary of State and Governor of Maine. The Blaine House is located north of the State House on the corner of Capitol and State Streets.

Body: One chamber of the Legislature; the term used in floor debate to refer to the chamber where debate is occurring (this body) or to the other chamber (the other body).

Bond issue: Issuance of a certificate of indebtedness by a governmental entity in return for money it borrows. (See “CERTIFICATE OF PARTICIPATION”,

“LEASE APPROPRIATION BOND” and “REVENUE BOND.”)

Budget: An estimate of receipts and expenditures for a fiscal year or a biennium.

Budget document: Governor’s publication of estimated receipts and expenditures. This document is published in the form of a bill.

By request: Manner of introducing a bill or other proposal, indicating that the legislator sponsoring the proposal does so to honor the request of some person, e.g., a constituent. Since many proposals are in fact introduced on behalf of another person, the designation “by request” on a proposal generally implies that the sponsor is not a strong supporter of the measure.

Calendar: The printed agenda of each chamber, printed daily during the session; also referred to as the Advance Journal and Calendar.

Caucus: Conference of members of a legislative group, most commonly a political party, to decide on policies or strategies.

Censure: Formal statement of disapproval made by the Legislature against one of its members.

Certificate of Participation (COP): Financing arrangement in which an entity enters into a commitment to lease equipment or facilities and to purchase the equipment or facilities at the expiration of the term of the lease. The revenue stream for the payment of this debt instrument is subject to appropriation or allocation by the Legislature. This arrangement is different than a lease-purchase agreement in that

investors hold fractional shares of the lease.

Chair: Presiding officer of a group. The chair of the Senate is the President; in the House, the chair is the Speaker. Joint standing committees have both a House chair and a Senate chair.

Chamber: Refers to either the Senate or the House of Representatives. (See "HOUSE" and "BODY.")

Clerk, committee: Clerical assistant to a committee who maintains custody of bills referred to the committee; prepares notices for committee hearings and work sessions; and reports bills out to the House or Senate after final committee action is taken.

Clerk of the House: Chief administrative officer of the House of Representatives; elected by the members of the House. The Clerk is responsible for preparing the calendar, reference of papers, taking votes, reading papers, and other duties.

Cloture: Deadline for submitting completed requests for bills, resolves and constitutional resolutions to be considered in a legislative session.

Code: A compilation of laws in force, arranged by subject matter. The *Maine Revised Statutes Annotated* (MRSA) is the codified version of Maine's public laws. The annual volume entitled "LAWS OF THE STATE OF MAINE" is not codified. Within the MRSA, there are codes relating to single subjects, e.g., the Uniform Commercial Code (UCC, Title 11), Maine Criminal Code (Title 17A) and Maine Probate Code (Title 18A).

Committee: A group of people delegated to examine a certain subject or certain proposals. Legislative committees can

- **Legislators' Handbook 120**

posals. Legislative committees can take several forms (see following definitions), but the most common use of the term is to refer to joint standing committees.

Committee of conference: A legislative committee, established pursuant to the Joint Rules and composed of three members of each chamber. The purpose of a committee of conference is to attempt to reconcile differences between the chambers with respect to a proposal.

Committee, joint: A committee composed of legislators from both the House and the Senate.

Committee, joint select: A committee of legislators established pursuant to the Joint Rules and convened for a specific, finite purpose. A select committee consists of three senators and ten house members unless otherwise specified by the order creating the committee.

Committee, standing: A legislative committee established pursuant to Senate or House rules that carries on a continuous course of business within the Senate or House. The standing committees are as follows:

Standing Committees of the Senate

- On Bills in the Second Reading
- On Engrossed Bills
- On Conduct and Ethics
- On Senatorial Vote

Standing Committees of the House

- On Bills in the Second Reading
- On Engrossed Bills
- On Ethics
- On Leave of Absence
- On Rules and Business of the House
- On Elections

Committee, joint standing: A legislative committee comprised of 3 Senators and 10 members of the House of Representatives established pursuant to joint rule to consider legislative measures in specific policy areas. The number and jurisdiction of the joint standing committees may vary in each biennium.

Committee of the whole: The entire membership of a chamber when sitting as a committee.

Communication: A letter or other written message made to one or both chambers and appearing in the Calendar.

Concur: Agree. When both chambers have acted similarly on a proposal, it is a concurrent matter; if different actions are taken, it is a nonconcurrent matter. A motion to recede and concur calls for that chamber to agree with the action taken by the other chamber. (See "RECEDE.")

Concurrence: Agreement; typically, between the chambers.

Conference committee: See "COMMITTEE OF CONFERENCE."

Confirmation: Approval of an appointment; typically, the procedure whereby a committee holds a public hearing on a gubernatorial appointment and makes a recommendation on the appointment to the Senate. The Senate votes whether to accept or reject the recommendation.

Conflict of interest: See **Conflict of Interest** in Part II.

Consent calendar: In the House, a bill that does not involve a gain or loss of revenue and that has received a unanimous "ought to pass" or "ought to pass as amended"

committee report is placed on the consent calendar. If there is no objection, after two legislative days, the bill is considered passed to be engrossed.

Constitutional resolution: A proposal for a change to the Constitution of Maine which, if passed, goes to the voters for their approval. (See "RESOLUTION.")

Convention, joint: A gathering of the members of both bodies in one chamber for a particular purpose, e.g., to receive the Governor.

Day, legislative: A day on which both chambers convene to conduct official business. At times business may be conducted by committees, leadership or other groups when the Legislature has not convened; those days are not considered legislative days.

Debate: Formal argument and discussion in a chamber following rules of order.

Division: A vote whereby the number of proponents and opponents is counted. It differs from a roll call vote (also known as a vote by "YEAS AND NAYS") in that a division does not attribute a particular vote to a certain person. A division differs from "UNANIMOUS CONSENT" (or under the gavel, or under the hammer) in that a count is made and unanimity is not presumed. In the House, members use the electronic voting system used for roll calls, but the individual votes are not recorded. The Senate has an electronic voting system and the capability to conduct a division electronically but, generally, prefers to hold a division by having the members rise in their seats and be counted.

Doorkeeper: The employee in each chamber who controls the entrances to the chambers. The doorkeeper of each chamber is appointed by the presiding officer of the chamber.

Effective date: The date on which a law goes into effect, 90 days after “ADJOURNMENT SINE DIE”, unless a different date is specified in the law. (See also “EMERGENCY BILL.”)

Emergency bill: Generally, this is a measure that, due to some exigency is passed to take effect immediately upon signing by the Governor or to take effect on some other date specified in the bill which is earlier than 90 days following final adjournment. Emergency bills require an affirmative vote of two-thirds of the elected members in each chamber to be enacted. In order to introduce a bill in the second regular session (except bills containing certain budgetary matters, etc.), it must be determined to be of an emergency nature (Constitution of Maine, Article IV, Part Third, Section 1). Such a measure, while it addresses an emergency, is not generally referred to as an emergency bill and does not require a two-thirds vote for enactment.

Emergency clause: A clause, usually inserted at the end of emergency legislation, that sets the effective date of the measure. That date is usually the date the Governor approves the measure but it may be some other date.

Emergency preamble: The preamble to emergency legislation that sets out the reasons why the Legislature considers the measure to merit emergency treatment.

Enacting clause: Formal language required in order for a bill to be enacted. Under the

Constitution of Maine (Article IV, Part First, Section 1), the words that must precede the substance of the bill are: “Be it enacted by the People of the State of Maine.”

Enactment: The process whereby a measure becomes an act. Enactment is the legislative action after engrossment and is the last step before a measure is signed by the President and Speaker and sent to the Governor for approval. Measures that reach this stage are by convention referred to as finally passed.

Engrossed: Literally, printed. An engrossed bill is a document that physically incorporates the bill and all adopted amendments to the bill. The engrossed bill may be passed to be enacted and subsequently approved by the Governor.

Errors bill: A bill generally introduced each year to remedy nonsubstantive, technical errors in enacted laws. Generally, the term refers to a bill entitled, “An Act to Correct Errors and Inconsistencies in the Laws of Maine,” which is within the jurisdiction of the Joint Standing Committee on Judiciary. There are special procedures associated with the amendment of this bill.

Ex officio: A person who is a member of a board or committee by virtue of the office the person holds, as opposed to a regularly appointed member. The person may or may not be a voting member.

Failure of enactment: The status of a measure which, on a vote, fails to garner enough votes for passage, such as an emergency measure that receives a vote of less than two-thirds the elected membership of a chamber.

First reading: The initial reading of a measure on the floor of a chamber that is followed by a second reading. There is no floor debate on a bill in its first reading if a favorable committee report has been accepted.

Fiscal note: Information on the fiscal impact of a measure that is incorporated into a measure after the substantive provisions. The fiscal note is removed from the text of the measure at engrossment. In accordance with Joint Rule 312, any bill affecting state revenues, appropriations or allocations or requiring local units of government to expend additional local funds must have a fiscal note attached to a favorable committee report or floor amendment. A fiscal note may also take the form of a memorandum from the Office of Fiscal and Program Review.

Fiscal year: For State Government, the 12-month period from July 1st to June 30th for which the budget is formulated. Municipal and county governments may operate on different 12-month fiscal-years.

Floor: Figuratively, within the chamber while that chamber is in session, as in floor amendment or floor debate. Floor actions are distinguished from actions taking place elsewhere, e.g., lobbying, or committee actions.

Floor leader: Refers to Democratic/Republican leadership position in each house.

General obligation bond: A bond that is repaid out of the general assets of the State.

Germane: Relevant. Unlike congressional practices allowing all manner of riders to bills, Maine's legislative rules limit amendments to those that are relevant to

the purpose of the bill as evidenced by its title.

Governor's bill: A measure proposed by the Governor. A Governor's bill has a legislative sponsor or sponsors.

Grandfather clause: A provision in a proposal that exempts some party from the proposal's coverage on the basis of the party's present status, e.g., a provision that current license holders are "grandfathered" and are not required to comply with additional licensing requirements imposed by the proposal.

Government Evaluation Act (GEA): Law (3 MRSA §951-953) establishing system for periodic review of executive branch agencies and independent agencies of State Government by the Legislature. The Act replaced the functions of the former legislative Audit and Program Review Committee.

Hearing, public: The procedure whereby interested members of the public are invited to testify before a committee on a proposal. A public hearing is distinguished from a "WORK SESSION" in that while the public is allowed to attend a work session, testimony is generally not solicited or accepted.

Highway Table: Most bills affecting Highway Fund revenue or requiring an allocation from the Highway Fund are placed on the Special Highway Table prior to enactment in the Senate. Bills on the Highway Table are reviewed by the Transportation Committee which, in the closing days of the session, recommends passage, amendment or defeat of those bills. Bills on the Highway Table are listed on the Senate Calendar.

House: Refers either to the Senate or the House of Representatives. In certain contexts, House is used to refer specifically to the latter. (See "CHAMBER" and "BODY.")

House of Representatives: One of the two chambers of the Maine Legislature that are vested with the legislative power of the State. The House is composed of 151 representatives elected for two-year terms.

House rules: Rules adopted by the House of Representatives that govern procedures in that body, the duties of officers and the rights and duties of members. (See "SENATE RULES" and "JOINT RULES.")

Indefinite postponement: A motion made on the floor of a chamber to defeat a measure. The motion frequently takes the form, "I move that the bill and all its accompanying papers be indefinitely postponed."

Initiative: The procedure established in the Constitution of Maine (Article IV, Part Third, Section 18) whereby citizens originate a legislative proposal. The Legislature has the option of enacting the measure as proposed or sending it out for ratification by the voters at a vote or "REFERENDUM." Bills introduced through the initiative process are assigned an Initiated Bill (IB) number and a LD number. (See also "PEOPLES' VETO.")

Insist: A parliamentary procedure whereby a chamber, in response to conflicting action on a bill by the other chamber, votes to stand by its previous action. It is generally accompanied by a request for a committee of conference. Insist is similar but less adamant than an action to "ADHERE," and the opposite of an action to "RECEDE."

Introduction: The presentation of a measure for consideration by the Legislature.

Joint order: An order approved jointly by the House and Senate. (See "ORDER.") Typical joint orders include study orders, an order for adjournment sine die, an order to amend the Joint Rules; an order to print additional documents and an order to a committee to report out a bill.

Joint Rules: Rules adopted by both the House and Senate at the outset of a first regular session. The rules govern the procedures to be followed in all areas of joint legislative activity, including filing of bills, cloture dates, committee composition and actions, studies and confirmations. The rules appear in the pamphlet entitled "House and Senate Registers" that is distributed to all legislators early in the first session and are also distributed separately by the Clerk of the House and Secretary of the Senate. In order to take any action contrary to the procedures set forth in the joint rules, each chamber must agree to a suspension of the rules. The joint rules may be amended by a two-thirds vote in each chamber.

Journal: The record of daily proceedings published by the Clerk of the House and the Secretary of the Senate pursuant to Article IV, Part Third, Section 5 of the Constitution of Maine. The journals do not ordinarily contain debate. A transcription of floor debates may be found in the "LEGISLATIVE RECORD."

Law: Measure passed by both chambers and approved by the Governor or otherwise finally approved (e.g., by overriding a Governor's "VETO.")

Laws, *private and special*: Laws that are enacted to address particular persons or institutions and that, due to their limited scope, are not codified in the *Maine Revised Statutes Annotated* (MRSA). An example of a private and special law is the creation of or change in a water district charter.

Laws, *public*: Laws of general scope and application, codified in the *Maine Revised Statutes Annotated* (MRSA). Most laws are public laws. Some portions of public laws are not, however, codified in the MRSA. Appropriations clauses, transition clauses and some other provisions are unallocated, i.e., they are not assigned places in the MRSA.

Laws, *resolve*: Laws having a temporary or limited purpose that do not amend the general public laws (e.g., a resolve to allow an individual to sue the State).

Laws of the State of Maine: The bound collection of all public laws, private and special laws, constitutional resolutions, resolves, selected joint resolutions and other significant legislative papers passed in a session. Also includes the "REVISOR'S REPORT." The *Laws of the State of Maine* is published by the Office of the Revisor of Statutes.

Lease Appropriation Bond: A bond similar to a revenue bond that finances the construction or renovation of the physical plant of a facility. The revenue stream to pay off the bond is subject to appropriations or allocations by the Legislature to operating funds for the lease payments associated with the use of the physical plant or facilities.

Legislative Council: The legislative body having authority over operation of the Legis-

lature, including approval of bills for introduction and administrative and personnel matters other than personnel matters within the separate control of the House or the Senate. (See Part III for a further discussion of the Legislative Council.) The composition of the Council is as follows:

SENATE

President or President ProTempore
Democratic Floor Leader
Republican Floor Leader
Assistant Democratic Floor Leader
Assistant Republican Floor Leader

HOUSE

Speaker
Democratic Floor Leader
Republican Floor Leader
Assistant Democratic Floor Leader
Assistant Republican Floor Leader

Legislative day: See "DAY, LEGISLATIVE."

L.D. (Legislative Document): A legislative measure in its official printed form, that is given a number by the Clerk of the House or the Secretary of the Senate and is referred to as "L.D. XXX." Some measures, such as orders, do not become legislative documents in this sense. Types of L.D.s include those that would create public laws (see "LAWS, PUBLIC"), private and special laws (see "LAWS, PRIVATE AND SPECIAL") and resolves (see "LAWS, RESOLVE"). A CONSTITUTIONAL RESOLUTION is a form of L.D. that does not become effective upon enactment but which is subject to REFERENDUM. There are other types of legislative papers that are not legislative documents. (See "BILL", "AMENDMENT" and "ORDER.") (See

also “FORM OF A BILL” and “HOW TO READ A BILL.”)

Legislative Document Clerk: The officer appointed by the Speaker of the House to operate the Document Room on the first floor of the State House, where copies of legislative documents are provided to legislators, staff and the public.

Legislative Record: See "RECORD, LEGISLATIVE."

L.R. (Legislative Request): A request for drafting of a legislative instrument for later introduction as a legislative document, resolve or order. A legislative request (L.R.) number is assigned by the Revisor of Statutes and is used to track instruments through the legislative process beginning with initial drafting. Until an instrument is assigned an L.D. number, the L.R. number is used to identify it. (See “L.D.”)

Lobbyist: Generally refers to a person or group who, as the agent of another person or group, opposes or supports the enactment of bills. The Lobbyist Disclosure Procedures law (3 MRSA §311 et seq.) provides a fairly detailed definition. Representing another person or a group at a public hearing does not, in itself, constitute lobbying.

Majority Leader: A member of either chamber selected by the members of the majority party in that chamber to act as their spokesperson and “CAUCUS” leader.

Mandate, state: An action by the State that requires a local unit of government to expand or modify its activities so as to necessitate expenditures of additional local revenues. The Constitution of Maine (Article IX, Section 21) requires the State

to fund 90% of the local cost of state mandates. The Constitution of Maine provides that the Legislature may exempt specific expenditures from this requirement by a two-thirds vote of all members of each chamber.

Mason's Manual of Legislative Procedures:

The standard reference manual of legislative rules regarding parliamentary procedures. These rules govern legislative procedures in situations not addressed by the House or Senate rules and the Joint Rules.

Memorial: See "RESOLUTION."

Minority Leader: A member of either chamber selected by members of the minority party in that chamber to act as their spokesperson and "CAUCUS" leader.

Nonconcurrence: Situation where the other chamber has voted in a manner inconsistent with the chamber in which the matter now lies.

Order: Documents requiring some legislative action (e.g., a "JOINT ORDER") or expressing some legislative sentiment. (e.g. a "RESOLUTION") Common orders include congratulatory orders that recognize the accomplishment of some person, orders in memoriam expressing the Legislature's regret at the death of some person, study orders, orders to committees to report out bills heard, orders to recall bills from the legislative files or from the Governor's desk prior to signature and orders to print additional documents.

Out of order: A departure from parliamentary procedure or a violation of rules. Unless done under suspension of the rules, an action out of order is prohibited.

Override: A shorthand way of referring to the legislative act of overriding a Governor's "VETO."

Page: A floor assistant appointed by the presiding officer, who acts as messenger, distributes documents and keeps legislators' document books up to date. Honorary pages, sponsored by individual legislators, are appointed from time to time by the presiding officer of each chamber.

Pair (vote): A procedure whereby a member who is present, instead of voting, "pairs" his or her vote with a member who is absent and who, had that member been present, would have voted on the opposite side of the question. A paired vote does not count toward the number required for a vote; thus, if a two-thirds vote of elected membership is necessary, a paired vote will not be counted toward fulfilling the two-thirds. Pairing is currently authorized by Senate rule with the consent of the President of the Senate. Pairing is not permitted under the House rules.

Paper: A document before the Legislature, i.e., "Senate Paper" or "House Paper."

Peoples' Veto: The procedure established in the Constitution of Maine (Article IV, Part Third, Section 17) by which the voters may petition for a REFERENDUM on the question of whether legislation passed by the Legislature but not yet in effect should take effect. (See "INITIATIVE.")

Performance-based budgeting: Budgeting method currently used by State Government that allocates resources based on the achievement of measurable objectives derived from an agency's strategic plan and consistent with an agency's statutory responsibilities.

Point of information: A request from a legislator to the presiding officer for clarification of a procedural matter.

Point of order: An objection raised by a legislator that one of the rules is being or has been violated.

President of the Senate: The presiding officer of the Senate, elected by the members of the Senate.

President pro tempore: The presiding officer of the Senate appointed by the President of the Senate to preside when the President is absent or leaves the podium for any reason. Also, refers to the leadership position created under a joint power-sharing arrangement during the 120th Legislature.

Public hearing: See "HEARING, PUBLIC."

Quorum: The minimum number of members of a chamber, committee or other group that must be present before that group may conduct official business.

Quorum call: A parliamentary procedure to determine whether a quorum exists in either chamber. Under the Constitution (Article IV, Part Third, Section 3) each chamber may compel the attendance of absent members in the manner it sees fit. Usually that is accomplished by a command from the presiding officer for all members within the sound of the bell to take their seats.

Rainy Day Fund: General Fund program created in Statute to reserve funds for prepayment of outstanding General Fund bonds or for major construction costs estimated to cost \$500,000 or more. (See 5 MRSA §1513) The Fund is capped at 6%

of General Fund revenues from the preceding state fiscal year.

Recede: Action whereby, in the face of a conflicting action on a bill by the other chamber, one chamber elects to revoke its prior action. Frequently, this action is coupled with the decision to agree with the other chamber, i.e., to recede and concur. (See "CONCUR.", "ADHERE" and "INSIST.")

Recess: A period during which the Legislature, while not adjourned to another day, is not convened for doing business. For example, a chamber may recess for party caucuses or until a certain time later in the day.

Recommit: A common expression for the action whereby a bill that has been reported out of committee is returned to that committee or to another committee for further consideration. The proper motion is to "commit" the bill to the committee.

Reconsideration: An action whereby a chamber returns to revote on a prior action in order to amend or reverse that decision. The motion must be made by a legislator who voted on the prevailing side of the previous vote and requires majority approval if made on the same legislative day or the legislative day following the original vote. After that, a two-thirds vote to suspend the rules is necessary for reconsideration. The paper must be in the possession of the chamber voting for reconsideration.

Record, legislative: The transcript of legislative actions and debates, prepared by the Secretary of the Senate and the Clerk of the House. Copies are transcribed and are available to legislators and the public.

Redistricting: The decennial redrawing of legislative district lines following a census.

Reference: The procedure whereby bills are sent to committees for consideration.

Referendum: Popular vote on proposals that may be initiated by the people (See “INITIATIVE” and “PEOPLES’ VETO.”) or by the Legislature. Referenda may be binding or advisory, statewide or restricted to a lower level of government.

Report, committee: A recommendation by a committee that some action be taken on a measure before the committee for consideration. Possible reports are:

- Ought to Pass
- Ought to Pass as Amended by
 - Committee Amendment
 - Ought to Pass in New Draft
 - Ought Not to Pass
- Referred to Another Committee

Report, study: A report presented by a group directed to study or investigate a particular subject or problem; frequently includes proposals for legislation.

Reporter, House/Senate: The employee in each chamber who transcribes all floor debate for insertion into the “LEGISLATIVE RECORD.”

Re-refer: The common expression for the committee recommendation to refer a bill to another committee. The correct name of the report is "referred to another committee."

Repeal: To revoke or annul an existing law by statutory enactment.

Resolution: An expression of the will of the Legislature that does not have the effect of law. The Legislature sometimes expresses its views on federal matters through a resolution directed to the U.S. Congress. Other examples include expressions to commemorate an event and expressions of regret due to the death of a prominent individual. A resolution is similar to an order, but generally is reserved for the most solemn occasions. A resolution should not be confused with a "RESOLVE." (See "CONSTITUTIONAL RESOLUTION.")

Resolve: See "LAWS, RESOLVE."

Revenue bond: A bond that is to be paid off by revenues produced by the facility it finances, e.g., user fees for a parking garage or room fees for a dormitory.

Revisor's Report: An annual report of the Revisor of Statutes that makes technical corrections (such as corrections of misspellings and typographical errors) that the Revisor has made to the statutory database pursuant to 1 MRSA chapter 4.

Roll call vote: A vote in either chamber where the result is a list of the votes cast by each member, also called a vote by "THE YEAS AND NAYS". A roll call vote may be requested by any legislator; but must have the approval of one-fifth of the membership. In the Senate and the House, votes are registered electronically and exhibited on the large panels in each chamber. Distinguished from a "DIVISION" and from "UNANIMOUS CONSENT."

Rules: The rules of parliamentary procedure either in committee or on the floor may refer to the Joint Rules, the rules of either chamber, committee rules, *Mason's Manual of Legislative Procedure* and *Reed's Rules* or any other standard authority.

Seat number: The number corresponding to the number of each representative's seat in the House. Seat numbers can be used as an address for interoffice mail. This number relates only to seating placement and not to district number. Seats are assigned by the Speaker taking into consideration the seniority and physical needs of the members. In the Senate, seats are assigned by the majority leader in consultation with the President based on seniority. In the Senate seats are not designated by number.

Second reading: The reading of a measure, after which, if approved, it is passed to be "ENGROSSED." (See "CONSENT CALENDAR.")

Secretary of the Senate: The chief administrative officer of the Senate, elected by the members of the Senate. The secretary is responsible for preparing the calendar, reference of papers, taking votes, reading papers and other duties.

Senate: One of the two chambers of the Maine Legislature. The Senate is required under the Constitution of Maine to consist of an odd number of members, from 31 to 35. Currently, it has 35 members who serve two-year terms.

Senate rules: Rules governing procedure in the Senate, including provisions regarding the powers and duties of the Senate officers and floor procedure in the Senate. (See "HOUSE RULES" and "JOINT RULES.")

Sergeant-at-Arms: The officer in either chamber who is responsible for maintaining order in the chamber and who serves as escort to the committee named to deliver messages to the Governor or the other body. The Sergeant-at-Arms supervises the distribution of materials to legislators.

Session: Period during which the Legislature assembles and carries out its business. There are three basic types of sessions: regular session, special session and special confirmation session (see next three definitions).

Session, regular: A session of both chambers, during which the Legislature carries on its customary business. There are two regular sessions in each biennium. Statutory adjournment for the first regular session is the third Wednesday in June on odd-numbered years. For the second regular session, statutory adjournment is the third Wednesday in April in even-numbered years. The statutory adjournment dates may be extended by vote of the Legislature (3 MRSA §2). During the first regular session, a legislator may submit legislation on any topic before cloture. In the second regular session, the Constitution of Maine limits bills to budgetary matters, bills in the Governor's call, direct initiatives, legislation derived from committee studies during the interim and legislation of an emergency nature. The Legislative Council reviews each legislator's requests for legislation in the second regular session to determine whether it meets constitutional requirements.

Session, special: A session of both chambers, called by the Governor or on the Legislature's own initiative, where the Legislature meets to carry on certain pressing

business. In the event of a special session called by the President of the Senate and the Speaker of the House, the first order of business is ratification of the call by a majority of the members of each political party. Typically, the Legislature considers a limited number of proposals, and the session may last only a few days.

Session, confirmation: A session of the Senate alone where decisions are made regarding the confirmation of gubernatorial appointments.

Session laws: See "LAWS OF THE STATE OF MAINE."

Sinking fund: A fund arising from particular taxes or other sources of revenue that is appropriated towards the payment of a government debt. Normally used in the issuance of revenue bonds or non-general obligation debt.

Speaker of the House: The presiding officer of the House of Representatives elected by the members of the House.

Speaker pro tempore: The temporary presiding officer of the House of Representatives, appointed by the Speaker of the House to preside in the Speaker's absence or whenever the Speaker leaves the podium for any reason.

Sponsor: A legislator who proposes an LD or other measure to the Legislature.

Statute: The general term for acts of the Legislature. Statutes are distinguished from other bodies of law, such as department rules, constitutional provisions and common law developed by the courts. Statute may also refer to the bound volumes of the law, or the MRSA.

Study: Interim work conducted by a group or committee of legislators (and, in some cases, other parties) to provide a more complete or thorough knowledge of a subject than is usually possible during the regular session. Studies may be authorized by the Legislative Council. Generally, studies result in a study report that often includes proposed legislation. (See "REPORT, STUDY.")

Substitution of bill for report: Action whereby a chamber chooses to accept the original bill instead of any report of a committee modifying the bill.

Summary: A brief description of the content of a measure which appears at the end of a legislative document or amendment. By Joint Rule, a summary is required to be prepared by the Revisor's Office. It is removed from the bill at engrossment and is not enacted as law.

Suspension of rules: A parliamentary procedure that permits actions that would otherwise be "OUT OF ORDER" to be taken. A two-thirds vote is required to suspend the rules.

Table: To delay action. A measure may be tabled until later in the day, until another certain date, or unassigned, i.e., to an indefinite time. (See "APPROPRIATIONS TABLE.")

Unanimous consent: The procedure by which action is taken without a vote, also referred to as an action "under the gavel," or "under the hammer." Distinguished from a "DIVISION," or a "ROLL CALL VOTE," each of which results in a vote count.

Veto: Disapproval of an act, typically by the Governor. If the Governor vetoes an en-

tire measure, a two-thirds vote of each chamber is required to override it (see Constitution of Maine, Article IV, Part Third, Section 2). The Governor may reduce dollar amounts in legislation using a line-item veto. (See “PEOPLES’ VETO” and “LINE-ITEM VETO.” See also discussion under Governor’s options on enacted bills in Part I of this handbook.)

Veto, Line Item: A limited form of veto established in the Constitution of Maine (Article IV, Part Third, Section 2-A) by which the Governor can reduce specific appropriations or allocations in legislation. Each change by the Governor becomes part of the enacted law unless the Legislature overrides the change by reaffirming each original allocation and appropriation. The reaffirmation requires a majority vote of all elected members.

Voice vote: A type of vote where the result is decided by the apparent number of voices calling “yea” versus “nay.”

Work session (working session, workshop): A meeting of a legislative committee to discuss committee business or to work on bills. “COMMITTEE REPORTS” are developed at work sessions.

Yeas and nays: A “ROLL CALL VOTE.”